



2007

Regional Planning Handbook

A Guide to Administering Overall Work Programs,
Regional Transportation Plans and their Funding Sources



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1 INTRODUCTION

Within the California Department of Transportation (Department), regional transportation planning is done by transportation planners in the Districts and in the Office of Regional and Interagency Planning (ORIP), located within the Division of Transportation Planning (DOTP) at Headquarters, Sacramento.

This Handbook describes the respective roles and responsibilities for District Transportation Planners with regional transportation planning duties, and for Transportation Planners within ORIP.

The focus is Department interaction with the Metropolitan Planning Organizations (MPOs) and Regional Transportation Planning Agencies (RTPAs) in regard to Overall Work Programs (OWPs) and Regional Transportation Plans (RTPs), with emphasis on monitoring activities paid for with ORIP-administered transportation planning funds: state Rural Planning Assistance (RPA) and federal Consolidated Planning Grant (CPG).

The Handbook will be updated as procedures change. It is supplemented annually with *Overall Work Program Guidance* packages, which focus on OWP information that changes from year-to-year. There are separate RTPA and MPO versions of the *Guidance* posted on the Internet at <http://dot.ca.gov/hq/tpp/offices/orip/orip.htm> (all other ORIP products are also posted here). ORIP also prepares and distributes annual requests for grant proposals, with application procedures for the two discretionary components of the CPG.

This Handbook replaces the October 2003 version of the *Regional Planning Delegation Handbook*, all earlier versions thereof, and any interim or proposed partial revisions. The majority of the updates in the 2007 version are based on the Federal Highway Administration (FHWA) Interim Guidance for implementing Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). In the event the Final Rule on SAFETEA-LU changes, this handbook will be updated immediately to reflect any/all changes.

1.01 Regional Transportation Planning

Regional Transportation Planning is long-range (20+ years), area-wide, developed through formal consultation with Native American Tribal Governments, and the involvement of federal, state, regional, and local agencies, public entities, private and community based organizations, and individuals working together to identify future regional transportation needs and to plan how these needs can and will be met. "Future ... needs" means both near and long-term. "Identify future regional transportation needs" may also include programming specific projects to address immediate problems.

The purpose of regional transportation planning is to prepare and provide for the region's mobility in a fiscally and environmentally responsible manner, consistent with the needs, preferences and sensibilities of the community.

1.02 3C Planning: Continuing, Cooperative and Comprehensive

Regional transportation planning is based on the 3Cs articulated in federal transportation law: continuing, cooperative and comprehensive. It is on-going, not a single completed action. All modes of transportation, including pedestrian walkways and bicycle transportation facilities, among others, shall be considered. [23 United States Code (USC), Section 134 and Title 49, USC, Section 3004] It involves all parties in the development of a shared mobility vision, including improving the transition among modes in the multi-modal transportation system and incorporation of new transportation technologies.

Another way of expressing the 3Cs is all transportation providers and users are working together to achieve intermodal mobility in the region.

Transportation concepts and improvements are considered during the planning and programming phases. Project development is post-planning. Examples of project development include: purchasing buses, providing traveler information service, a rideshare program, and construction of a bikeway/pedestrian path. Environmental, right of way, design, award, and construction are also considered post-planning phases. These phases should be iterative and coordinated, but CPG and RPA may only fund planning activities.

1.03 Metropolitan Planning Organizations (MPOs) and Regional Transportation Planning Agencies (RTPAs)

Among the key regional transportation planning entities in California are eighteen Metropolitan Planning Organizations (MPOs). Every county in California is served by an RTPA and every county with at least one urbanized area is also served by an MPO.

Federal law [23USC134] defines an MPO as a forum for cooperative transportation decision-making. A MPO is required for urbanized areas over 50,000 in population, but a single MPO may serve more than one urbanized area. MPOs are generally known in California as councils of government or associations of government.

RTPAs are created pursuant to California law (Government Code Section 29532 et seq.) and although State law does not define RTPA, Government Code Section 65080 identifies some RTPA responsibilities: to adopt a regional transportation plan and to prepare and adopt a regional transportation improvement program. The RTPAs are local transportation commissions, county transportation commissions, councils of government, and associations of government. Seven RTPAs are statutorily created (Gov. Code Section 29532.1).

MPOs and RTPAs perform generally the same transportation planning work. For example, both prepare an annual Overall Work Program (OWP) and both develop

regional transportation plans (RTPs) and program projects into transportation improvement programs.

Some MPOs serve a single county and some serve several counties. With the exception of the Sacramento Area Council of Governments (SACOG) and the Association of Monterey Bay Area Governments (AMBAG), the boundaries of MPOs and RTPAs are the same. Two MPOs, AMBAG and the Tahoe Metropolitan Planning Organization (TMPO) are not RTPAs. The Tahoe Regional Planning Agency (TRPA) is the RTPA for TMPO. The RTPAs within AMBAG's boundaries are Santa Cruz County Regional Transportation Commission, Transportation Agency for Monterey County and San Benito Council of Governments.

All non-MPO RTPAs serve only one county. El Dorado County Transportation Commission and Placer County Transportation Planning Agency are the RTPAs for their respective counties to the crest of the Sierra Mountains. The area east of the crest in these two counties is part of the Tahoe Regional Planning Agency (TRPA), which has the same boundaries as TMPO. TRPA is the RTPA and TMPO is the MPO. The TRPA/TMPO boundaries also include portions of Nevada. The map on page 5 shows MPO and RTPA boundaries within California.

MPOs and RTPAs are the entities that receive state and/or federal transportation planning funds to accomplish regional transportation planning through the activities detailed in their OWPs. These funds are used to identify transportation improvements in sufficient detail in RTP action elements to model them for air quality conformity (in air quality non-attainment and maintenance areas), to establish fiscal constraint, and to serve as a purpose and need foundation for environmental alternatives analysis and project approval.

As needed, MPOs and RTPAs may enter into agreements or memoranda of understanding (MOUs) to accomplish their work; for example, with adjacent MPOs/RTPAs regarding cross-jurisdictional issues, to prepare inter-urban/inter-area corridor studies, to perform air quality conformity analyses if the air basin has different boundaries from those of the MPO/RTPA, to assess feasibility of inter-urban/inter-area commuter rail service, etc.

1.04 The Core Regional Transportation Planning Document and Products

The core regional transportation planning document is the Overall Work Program (OWP) and its core product is the regional transportation plan (RTP).

The OWP and RTP are directly and inextricably interconnected. OWP activities support the RTP and development of the RTP is an OWP activity. The RTP is implemented through the Regional Transportation Improvement Program (RTIP) and the Federal Transportation Improvement Program (FTIP). Development of the RTIP and FTIP are OWP activities.

The OWP is a California variant of what federal regulations [23 Code of Federal Regulation (CFR) 450.314] refer to as a Unified Planning Work Program (UPWP). Federal regulations do not define it, but list what it must contain, depending on the size of the MPO and various other factors. The least complex OWPs include a description of what work is to be accomplished, when, by whom, and using which specific funding.

The OWP is a one-year scope of work and budget for transportation planning activities and funding sources to be accomplished between July 1 and June 30 of the state fiscal year. It is a statement of proposed work and estimated costs that tie specific available transportation planning funding sources to specific transportation planning activities.

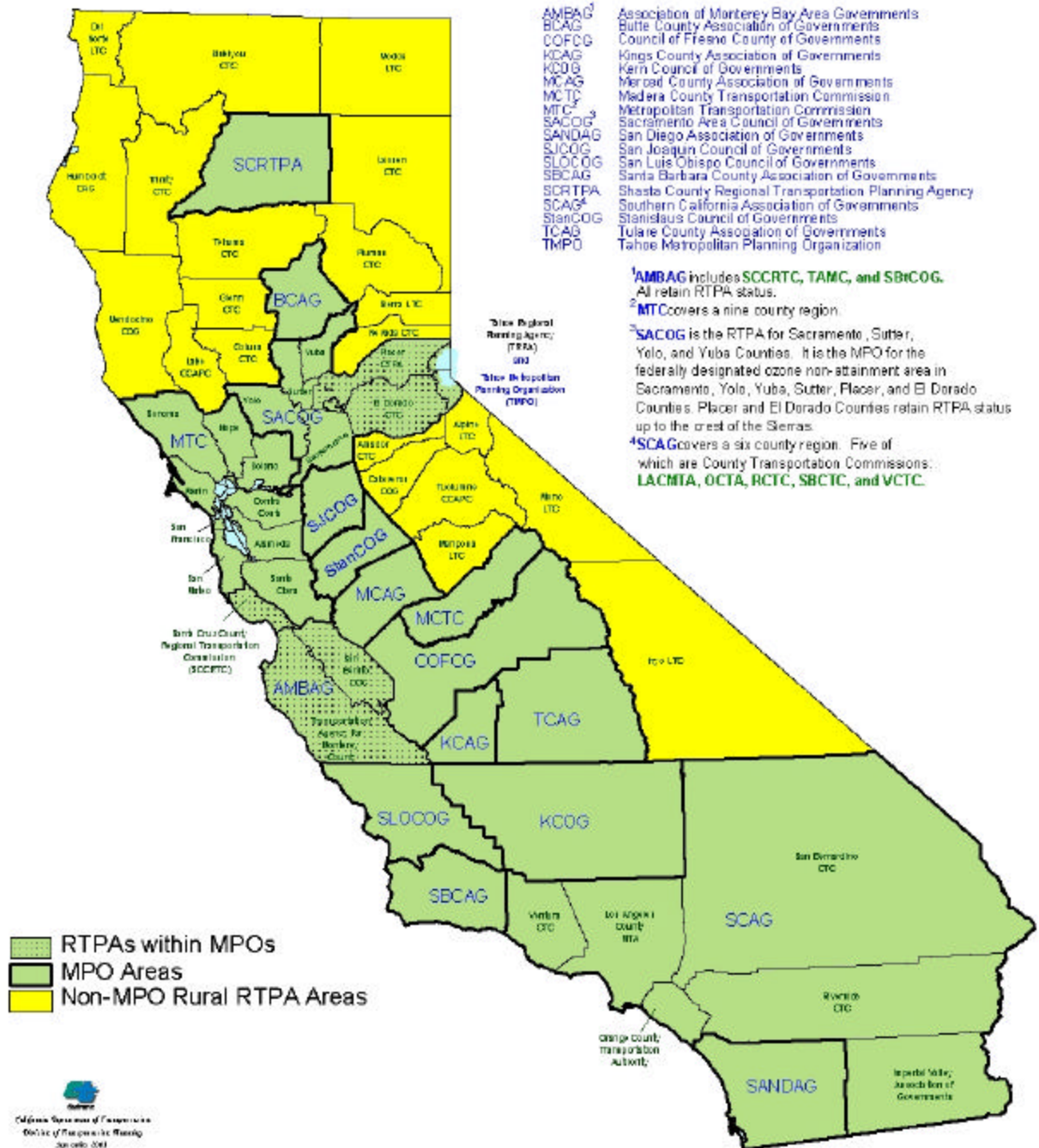
Federal law uses the term Metropolitan Transportation Plan (MTP) and defines the term as the official intermodal transportation plan that is developed and adopted through the metropolitan transportation planning process for the metropolitan planning area. California law uses the term regional transportation plan, but does not define it. Statutes relative to legislative intent (Gov. Code Section 65070), preparation and contents (Gov. Code Section 65080), and public hearing (Gov. Code Section 65090) effectively provide a definition.

As with most plans, the RTP has a long-term horizon (not less than 20 years within the entire life of the RTP) and identifies existing and future transportation needs in the region. Although it includes rough cost estimates for the transportation proposals and is fiscally constrained (i.e., the total anticipated cost of the proposals is limited to the total reasonably anticipated revenues for the term of the plan), specific fund sources are usually not identified for the individual transportation proposals.

The RTP is defined as a project under the California Environmental Quality Act, and in air quality non-attainment areas it must conform to the State Implementation Plan (SIP). (See Sections 6.04 and 6.09 for more information about air quality and CEQA.)

CALIFORNIA

Metropolitan Planning Organizations (MPOs) and Regional Transportation Planning Agencies (RTPAs)



1.05 Transportation Planning Funding Administered by ORIP

ORIP administers two transportation planning fund groups:

- Rural Planning Assistance (RPA)
- Consolidated Planning Grant (CPG)

RPA is state transportation planning funding included in a State Budget line item, allocated by the Department per population formula to rural RTPAs. (None of the rural RTPAs are MPOs). It is provided on a reimbursement basis, after costs are incurred and paid for using local funds. In FY 2006/2007, the annual RPA allocation was approximately \$6 million. (Sections 4.02 and 4.03 provide additional information about RPA.)

CPG is federal funding which totals approximately \$55-60 million annually. The amount can increase or decrease contingent upon California's federal apportionment. (Chapter 3 provides more detail about CPG.)

Reference may be made to other funding sources, but the fund encumbrance, monitoring, administration and reimbursement procedures described in this Handbook only apply to RPA and CPG.

1.06 Authority

Regional transportation planning authorities are found primarily in Titles 23 and Title 49 of United States Code (USC), and in Sections 65080 et seq., and 29532 et seq., of the California Government Code. Governing regulations are found in the Code of Federal Regulations (CFR) and the California Code of Regulations.

Federal accounting and auditing requirements are as per Titles 48 and 49 USC and CFR, and Office of Management and Budget (OMB) and Federal Transit Administration (FTA) Circulars and guidance. State accounting and auditing requirements are as per the Government Code, the Public Utilities Code, the Public Contracts Code, and the Health and Safety Code.

Some other key authorities include Government Code Section 6500 et seq., Streets and Highways Code, Presidential Executive Orders 12372, 12612, and 12898, the State Budget, the State Administrative Manual, the California Labor Code, the Older Americans Act, the Civil Rights Restoration Act of 1987, the Americans with Disabilities Act, the Clean Air Act Amendments, Title VI of the Civil Rights Act of 1964, and the California Environmental Quality Act (CEQA).

The Department Director has delegated authority for most regional transportation planning responsibilities to the District Directors in Executive Orders, *Confirmation of and Delegation of Authority*. These twelve Executive Orders reference and incorporate the Director's Policy for *Program Management* (Number 16, effective 12-1-94).

ORIP provides oversight and statewide guidance relative to these authorities. ORIP may also request additional information as needed.

1.07 Reference Materials

In this Handbook, forms and samples are interspersed with the text or are included in the Appendix. Companion and reference documents are cited by web address.

ORIP products are posted at <http://www.dot.ca.gov/hq/tpp/offices/orip/orip.htm>

1.08 Terms and Acronyms

There are thousands of transportation and transportation planning terms and acronyms. However, familiarity with the following terms and acronyms is essential to understanding concepts in this Handbook.

Allocation	A distribution of funds by formula or agreement.
Apportionment	Distribution of federal funds (grants) by a statutory formula to the states' Governors for allocation by them to the grant recipients.
Appropriation	An official action (e.g. passage of a law) to make funds available, with specific limitations as to amount, purpose and duration.
Encumber	The formal processes, which commit funds for a specific purpose, e.g., commitment of Rural Planning Assistance (RPA) to an RTPA, or FHWA Metropolitan Planning (PL) funds to an MPO.
FHWA, FTA	The Federal Highway Administration and the Federal Transit Administration are two of the modal agencies in the United States Department of Transportation (US DOT).
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991; federal transportation legislation signed into law in 1991, succeeded by the Transportation Equity Act for the 21 st Century (TEA-21) in 1998.
MPO	Metropolitan Planning Organizations are the regional planning entities in urbanized areas, usually an area with a population of 50,000 or more. As of December 2006, there are eighteen MPOs in California.

Although the Tahoe region does not include an urbanized area 50,000 or larger, TEA-21, permitted the Tahoe region to establish a MPO.

ORIP	Office of Regional and Interagency Planning in the Department's Division of Transportation Planning, Headquarters, Sacramento.
Reimbursement	State or federal transportation planning funds paid to the MPO/RTPA for transportation planning work activities in the OWP already done by the MPO/RTPA, or on behalf of the RTPA/MPO by a contractor or consultant, and already paid for using local funds.
RTPA	Regional Transportation Planning Agency, the regional planning entity referenced in California law; e.g., a local transportation commission, a statutorily created RTPA, or a council of governments.
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, federal transportation legislation signed into law in 2005; successor to TEA-21.
TEA-21	Transportation Equity Act for the 21 st Century; federal transportation legislation signed into law in 1998; successor to ISTEA, succeeded by SAFETEA-LU.
Unexpended Carryover	Unexpended Federal CPG funding -- FHWA Metropolitan Planning (PL), FTA Metropolitan Planning (§ 5303), FTA State Planning and Research (§5305), and FHWA State Planning and Research – Partnership Planning Element -- need not be fully expended during the fiscal year in which they are appropriated and allocated or awarded. The recipient may carry over unexpended amounts to the next fiscal year. MPO's carryover FHWA PL and FTA 5303 via a reconciliation letter process. Both MPOs/RTPAs are allowed to carryover FTA 5305 and FHWA State Planning and Research-Partnership Planning Element funds via permission from HQ Regional Planning.

The Mineta Transportation Institute glossary of transportation planning terms:

<http://transweb.sjsu.edu/comglos.htm>

2 OVERALL WORK PROGRAM (OWP)

Annually, each MPO/RTPA develops and its Governing Board formally adopts an Overall Work Program (OWP).

The OWP introduces the agency and provides an overview of the region, with a focus on its transportation goals and objectives, and the actions to achieve those goals and objectives. The OWP is a scope of work for transportation planning activities, including estimated costs, funding sources, and completion schedules.

Although the OWP reflects work to be performed by in-house MPO/RTPA staff or work the agency contracts out, preparation of the OWP should involve collaboration among all transportation partners in the region. Example partners should include: the Department, transit providers, community based organizations, railroads/maritime ports/airports, bicycle and pedestrian interests, congestion management agencies, state and federal resource agencies, city and county local governments, the public (including minority and low-income populations, etc.), and government-to-government consultation with Native American Tribal Governments.

Because it is intended to provide a comprehensive overview of transportation planning, activities to be completed by other entities within the region should also be included. These may be shown as actual work elements, but are more generally shown in as a chart or matrix, either in the body of the OWP or in the appendix. (See Sample Chart)

Sample Other Entities' Transportation Planning Activities Chart

Activity Title	Activity Description	Product(s)	Comments

Regional transportation planning staff in the District is the initial and principal point of planning contact between Department and the MPO/RTPA. They have primary review, monitoring, and administration responsibilities for the MPO's/RTPA's OWPs. District staff also provides the MPO/RTPA with information about the Department's transportation planning activities in the region.

Regional transportation planning staff at ORIP provides tools and guidance to assist and to support the efforts of the District regional planners.

2.01 The Purpose and Contents of the OWP

The OWP is the MPO's/RTPA's transportation planning structure for the state fiscal year, July 1 through June 30. It can also be used for other purposes, such as:

- The MPO's/RTPA's annual operations plan for the state fiscal year
- The MPO's/RTPA's planning budget for the state fiscal year
- An activity tracking and management tool for the MPO/RTPA Governing Board
- A contract and monitoring tool for local, state, and federal entities to track the completion of annual transportation planning and expenditure of funds
- An easy reference for members of the public who wish to know the "who/what/when/where/how much" of transportation planning activities in the region

The OWP Budget Revenue Summary is an at-a-glance overview of the entire year's transportation planning activities and funding. The individual work elements provide more specific information and work completion timelines. (See Section 2.04b.)

In the OWP, there is an overview of the MPO's/RTPA's decision-making, partnering, public participation and other approaches. For example, staff accomplishes work through technical committees, workshops, data gathering, public participation, outreach, and information sharing efforts. Binding decisions are made by a vote of the MPO/RTPA Governing Board at regularly scheduled meetings based upon recommendations and information provided by MPO/RTPA staff and advisory committees. Members of the public have the opportunity to present their views and express their support or opposition at Board meetings. (See also Section 7.02, Native American Tribal Governments and Communities.)

2.02 The OWP is Part of a Funding Contract

In conjunction with the Overall Work Program Agreement (OWPA) and the regional transportation planning Master Fund Transfer Agreement (MFTA), the OWP constitutes the annual funding contract between the state and the MPO/RTPA for Consolidated Planning Grant (CPG) and/or Rural Planning Assistance (RPA). It is also the annual application for CPG formula funds and RPA. (See Chapter 3 for more information about CPG.)

The MFTA is an on-going, multi-year agreement, that prevails until it is amended, updated, or replaced. The current MFTAs are set to expire December 31, 2014. The MFTA requires that MPOs/RTPAs submit an OWP each year that references the MFTA. The MFTA also states that the MPO/RTPA agrees to comply with all applicable state and federal laws, regulations and requirements. (See Section 2.05 for more information about OWPA's.)

Although the MFTA is a complex legal document, it is written in sufficiently generic terms and does not require annual reconsideration. Detail is added through the OWP and OWPA. This three-document arrangement is straightforward and practical, and much less expensive for the MPO/RTPA and the Department than entering into a completely new fund transfer contract each year.

The provisions of the MFTA are also applicable to any MPO/RTPA contractors and subcontractors.

2.03 The MFTA/OWP/OWPA Trio Only Encumbers CPG and/or RPA

Although the OWP is a comprehensive document that includes a wide variety of funding sources, the regional planning MFTA and the OWPA only apply to CPG and/or RPA. There are different applications, agreements, and fund transfer arrangements for other transportation planning funds, i.e., funds not administered by ORIP.

Even if there is a fully executed MFTA between the state and the MPO/RTPA, the current year's CPG and/or RPA cannot be encumbered for the MPO/RTPA until it has a Final OWP adopted by the MPO/RTPA Governing Board, approved by the Department, and a fully completed and executed *original* OWPA on file in ORIP.

Reimbursement can only occur after passage of the State Budget on or about July 1.

2.04 The Three Components of the OWP

Although OWPs vary in length, complexity, and format, in general, they include the following three components:

- Introduction or prospectus
- Work elements
- Budget Revenue Summary

The federal unified planning work program contents are divided into five categories 1) tasks, 2) federally funded studies and all relevant state and local planning activities regardless of funding source, 3) funding sources by project, 4) schedule of activities, and 5) responsible entity for each task or study. All five are included among the three OWP components.

2.04.a Introduction or Prospectus

The OWP introduction or prospectus provides the context for understanding the work activities proposed and gives information about the region. For example, the following information should be provided:

- The region's transportation planning approach
- Agency organizational structure and interagency arrangements

- Decision-making steps
- Government-to-government consultation with Native American Tribal Governments
- An overview of public participation and involvement
- Significant regional characteristics and issues, demographics, transportation needs, priorities, and goals
- How the annual Planning Emphasis Areas (PEAs) and the federal planning factors are addressed in the work elements
- Progress made toward implementing the Regional Transportation Plan

2.04.b Work Elements

Work elements identify specific planning work (variously called “activities,” “tasks,” “steps,” “products,” etc.,) to be completed during the term of the OWP.

There should be a separate work element for each major activity, and each work element should include:

- A title and work element number
- A purpose or objective statement
- An identification of previous, ongoing and future years’ work
- A description of steps/activities/tasks/products, etc., completion dates, responsible entities (including work identified as contracted, in-house, sub-regional, etc.)
- A table showing all fund sources, and uses of these funds (e.g., in-house, contracted)

For OWPs with many different work elements, reference may be facilitated if the elements are grouped by category, e.g., Regional Transportation Plan, Air Quality Planning, Transit Planning, Corridor Planning, Programming, Travel Forecasting, etc.

Whenever possible, work elements should be included in the OWP that demonstrate efforts to enhance non-motorized transportation and provided a balanced, multi-modal transportation system, regardless of whether or not non-motorized transportation is included as one of the Planning Emphasis Areas (PEAs).

Some MPOs/RTPAs have created one single work element for each category of work, referred to as mega-work elements. Mega-work elements are discouraged because such a broad-brush approach defeats the OWP’s utility as a comprehensive information document for the Governing Board, other agencies, and the public; as a transportation planning work plan; and as a budget to monitor planning and expenditures.

In each work element, previous, on-going, and future years’ work should be identified. For multi-year work elements, the activities to be completed, as well as the sources and uses, are shown separately by year. For prior years, the accomplished activities are summarized and the work element budget should show actual expenditures. For the current and future years, the sources and uses are estimates.

If federal funds are displayed as a funding source in the work element, the required percentage of local match, (i.e., non-federal local funds or local “in-kind” contributions), must be shown. (See Section 3.05 for more information about local matches.)

The Appendix includes a sample Work Element.

2.04.c Budget Revenue Summary

Although each work element entry includes a breakdown of funding sources and types, and shows the entity to which those funds will be reimbursed, *all* OWP sources and uses must also be also listed in a comprehensive Budget Revenue Summary table. Some other commonly used titles for the summary are Revenue and Expenditure Summary, Funding Table, etc. The summary shows all funds in the OWP, itemized by work element and funding sources and types. Prior years’ unexpended CPG carryover in the OWP must be identified separately from the current year’s allocations and/or awards.

Consistency of funding throughout the OWP is vitally important (i.e. the entries in the Budget Revenue Summary must accurately reflect the amounts in the individual work elements). Totals for individual sources may not exceed allocations or awards. (Sections 2.05 and 3.07 provide more information about unexpended carryover.) The total amount for each work element should also not exceed allocation.

The Appendix includes a sample Budget Revenue Summary.

2.05 The OWPA

The Overall Work Program Agreement (OWPA) is a one-page document signed by the MPO/RTPA and the District. The Directors Delegation of Authority allows the District Deputy Director to approve annual OWPA with RTPAs and MPOs. The signatures on the OWPA formalize the annual CPG and/or RPA contract, effective upon passage of the State Budget.

The MPO/RTPA generates an original signed OWPA and forwards it to the District. The authorized MPO/RTPA signatory is usually the Executive Director or the Finance Officer, as per Governing Board delegation. Although the Board action adopting the OWP is very specific, often the signature delegation authority for the OWPA is fairly generic.

The District signatory is the District Director or the Deputy District Director for Planning, as delegated by the District Director. After the District obtains the necessary signature on the original OWPA (signed in **blue** ink to more easily distinguish original signatures from photocopies), the District makes photocopies for its file and for the MPO/RTPA and forwards the original to the ORIP District Liaison.

ORIP requires one original signature OWPA. The District and/or the MPO/RTPA may also prefer (or require) originals rather than photocopy versions. In such instances

the two parties need to determine how many additional original OWPA's need to be generated.

After passage of the State Budget, ORIP's Fund Specialist uses the OWPA to encumber CPG and/or RPA on behalf of the MPO/RTPA for the term of the OWP.

The OWPA is specific to a fiscal year and must accurately reflect the OWP. This means a new OWPA must be submitted each year with the adopted and approved Final OWP. The CPG/RPA funds programmed and approved in the OWP will be equal to the funds to be encumbered by the OWPA. An OWPA amendment must be submitted each time there is an OWP amendment that changes the total amount of CPG (which will also change the local match) and/or RPA.

There are separate OWPA forms for MPOs and RTPAs. It is the District's responsibility to ensure the correct version of the form is used and all fill-in information is accurate. The District should check that:

- The CPG and/or RPA totals in the funding columns are consistent with the amounts in the OWP work elements and Budget Revenue Summary.
- Allocations are not exceeded.
- The local match for each federal fund source and type precisely reflects the mandatory (minimum) percentage.

For CPG, the minimum "mandatory local match" amount entered on the OWPA is based on the total amount of each federal funding source and type. For example: total FHWA Metropolitan Planning (PL) dollars in the OWP divided by the PL federal participation rate (.8853) multiplied by the local match rate (.1147) = mandatory local match. (Section 3.05 provides more information about local match.)

Total PL = \$100

$\$100 \div .8853 = \112.96 (total PL divided by PL federal participation rate)

$\$112.96 \times .1147 = \12.96 (sum of federal and local match multiplied by the local match rate)

Mandatory local match for \$100 PL is \$12.96

The Final OWP for the fiscal year beginning July 1 (the next fiscal year) is usually adopted in May or June, while the current fiscal year's OWP is still active. Unexpended CPG carryover from prior years that are part of the currently active OWP cannot be included in the next fiscal year's Final OWP and OWPA until after closeout and reconciliation of the current fiscal year's OWP. Any prior years' carryover not encumbered by the current year's OWP may be included in the next fiscal year's Final OWP. After reconciliation, any remaining CPG and the activities to be funded therewith may be amended into the OWP and the OWPA. (See Sections 3.08, Reconciliation of CPG Carryover Balances, and 4.09, Year-End Package.)

What some regions refer to as "carryover work" or work not completed by June 30, is not tied to carryover balances. All carryover work must be included in the new fiscal

year's OWP and must be funded with amounts not encumbered in the current year OWP. Post-reconciliation funds amended into the OWP and OWPA are for additional work amended into the OWP.

The OWPA cannot include separate line entries for current versus prior years' balances, therefore the ORIP Fund Specialist requires a letter or memo from the MPO/RTPA to identify current year CPG versus carryover amounts when carryover funds are included or amended into the OWP and OWPA. In the Budget Revenue Summary, CPG carryover funds must be listed in a separate column from the current year's funds and must be identified by funding source and type. (See Section 3.06 and 3.07 for more information about unexpended carryover.)

There is no carryover of RPA.

District staff should carefully track RPA in particular, which lapses at the end of the state fiscal year. To preclude any RPA being lost, the Districts and ORIP should work with any RTPA that cannot expend all its RPA. It is critical to free up such funds in a timely manner so other RTPAs can make use of any RPA funds that are in danger of lapsing.

The Appendix includes sample MPO and RTPA OWPA's.

2.06 OWP Timeline

The full cycle of an OWP from draft through audit closeout is approximately two years.

The draft portion of the cycle may begin as early as October and may continue into June of the following calendar year. The administration and accomplishment of the OWP spans the state fiscal year July 1 through June 30. Closeout commences with the end of the state fiscal year and extends to January 1 of the next calendar year when the MPO's/RTPA's Annual Fiscal and Compliance Audit Report is due to the District. (See Timelines on pages 17 and 18.)

All of these activities should be reflected in the MPO's/RTPA's current OWP.

Draft OWPs for RTPAs are due to the Districts and ORIP by March 1.

Draft OWPs for MPOs are due to the Districts and ORIP 30 days before the MPO's federal Annual MPO meeting or March 1, whichever occurs first. (See Section 2.14 for more information about Annual MPO meetings.)

2.07 OWP Guidance

Toward the end of the calendar year, ORIP prepares and distributes *OWP Guidance* consistent with which the MPO/RTPA drafts its OWP for the next fiscal year.

The *OWP Guidance* includes:

- A timetable
- A review checklist
- The planning emphasis areas (PEAs)
- The current year's actual FHWA Metropolitan Planning (PL) amounts to use as next year's estimated FHWA PL amounts
- Actual FTA § 5303 appropriations
- The current year's actual RPA amounts to use as next year's estimated RPA amounts

The MPOs use the FHWA PL estimates in the *OWP Guidance* in their Final OWPs. If these amounts change after passage of the federal budget, the OWPs and the OWPAs need to be amended accordingly.

The rural RTPAs use the RPA estimates in the *OWP Guidance* in their Final OWPs. If these amounts change after passage of the State Budget, the OWPs and OWPAs need to be amended accordingly.

There is no reimbursement of CPG and RPA prior to passage of the State Budget.

In response to a request from the Rural Counties Task Force (a committee, that consists of the rural RTPAs), ORIP began to prepare separate RTPA and MPO *OWP Guidance*, beginning with the 2001/2002 cycle. ORIP distributes the *OWP Guidance* to the Districts with instructions to share it with MPOs/RTPAs. ORIP also posts the *OWP Guidance* at: <http://www.dot.ca.gov/hq/tpp/offices/orip/orip.htm>

MPO OWP Timeline

Overall Work Program Close Out Prior Year		Overall Work Program Accomplish Current Year	Overall Work Program Draft, Review, Adopt Approve Next Year
July 1-June 30 = State Fiscal Year			
Jul – 02	<u>July 31</u> , Q4 Progress Report due to District.	After passage of the State Budget, Accounting encumbers funds for MPOs using complete and accurate OWPA's. MPOs begin work after funds are encumbered.	
Aug – 02	<u>August 15</u> , Q4 Progress Report due to ORIP. By <u>August 31</u> , Year End Package due to District.		
Sep – 02	<u>September 15</u> , Year End Package due to ORIP.		
October 1- September 30 = Federal Fiscal Year			
Oct – 02		<u>October 31</u> , Q1 Progress Report due to District. FHWA PL actual #s for prior fiscal year after passage of federal budget. ORIP notifies Districts. Districts notify MPOs. MPOs amend OWPA's to show actual PL #s.	<u>October – December</u> , FTA Certs and Assurances, FHWA Planning Certs., Tentative MPO IPG meeting schedule, FHWA/FTA issue annual PEAs, FTA \$5303 actual #s (after Federal budget passes), FHWA PL estimate #s, ORIP's annual OWP Guidance.
Nov – 02		<u>November 15</u> , Q1 Progress Report due to ORIP.	<u>November – June</u> MPOs draft, circulate and finalize OWPs.
Dec – 02			
Jan – 03	<u>January 1</u> , Annual Fiscal and Compliance Audit Report due to District	<u>January 31</u> , Q2/mid-year Progress Report due to District. <u>January-February</u> , District mid-year OWP status meeting with MPOs.	<u>February - May</u> Individual Annual MPO meetings, MPO draft OWPs due 30 days before IPG meeting, but no later than March 1 , Districts review and circulate draft OWPs,
Feb – 03	<u>February 15</u> , Districts send Annual Fiscal and Compliance Audit Reports to Audits, ORIP, Accounting and FHWA.	<u>February 15</u> , Q2/mid-year Progress Report due to ORIP.	<i>MPO Indirect Cost Negotiation Agreements and Cost Allocation Plans due to Districts (Districts forward to Audits)</i>
Mar – 03			
Apr – 03		<u>April 1</u>, deadline for current fiscal year OWP amendments (complete package due to ORIP). <u>April 30</u> , Q3 Progress Report due to District.	<u>April-May</u> , District year-end OWP status meetings with MPOs.
May – 03		<u>May 15</u> , Q3 Progress Report due to ORIP.	
Jun – 03			Final, adopted OWPs due, Districts recommend OWP approval to FHWA/FTA, FHWA/FTA concur re approval of MPO OWPs. Districts approve MPO OWPs.
July 1-June 30 = State Fiscal Year			
Jul – 03		<u>July 31</u> , Q4 Progress Report due to District.	Before <u>July 1</u> , Final approved and adopted OWP and fully executed OWPA due to ORIP. After passage of the State Budget, Accounting encumbers funds for MPOs using complete and accurate OWPA's.
Aug – 03		<u>August 15</u> , Q4 Progress Report due to ORIP. <u>August 31</u> , Year End Pkg. due to District.	
Sep – 03		<u>September 15</u> , Year End Package due to ORIP.	

For MPOs, the Year End Package includes a Certification of Expenditure by Fund Source including, the Final Statement of Expenditures attachment, and the last Request for Reimbursement for the OWP cycle clearly marked "FINAL". (See also Section 4.10 regarding Grant Closeout.)

RTPA OWP Timeline

Overall Work Program Close Out Prior Year		Overall Work Program Accomplish Current Year	Overall Work Program Draft, Review, Adopt Approve Next Year
July 1-June 30 = State Fiscal Year			
Jul – 02	<u>July 31</u> , Q4 Progress Report due to District.	After passage of the State Budget, Accounting encumbers funds for RTPAs using complete and accurate OWPs. RTPAs begin work after funds are encumbered.	
Aug – 02	<u>August 15</u> , Q4 Progress Report due to ORIP By <u>August 31</u> , Year End Package due to District..		
Sep – 02	<u>September 15</u> , Year End Package due to ORIP.		
October 1- September 30 = Federal Fiscal Year			
Oct – 02		<u>October 31</u> , Q1 Progress Report due to District.	<u>October – December</u> , ORIP's annual OWP Guidance.
Nov – 02		<u>November 15</u> , Q1 Progress Report due to ORIP.	<u>November – June</u> RTPAs draft, circulate and finalize OWPs.
Dec – 02			
Jan – 03	<u>January 1</u> , Annual Fiscal and Compliance Audit Report due to District	<u>January 31</u> , Q2/mid-year Progress Report due to District. <u>January-February</u> , District mid-year OWP status meeting with RTPAs.	<u>February - May</u> Districts review and circulate draft OWPs,
Feb – 03	<u>February 15</u> , Districts send Annual Fiscal and Compliance Audit Reports to Audits, ORIP and Accounting.	<u>February 15</u> , Q2/mid-year Progress Report due to ORIP.	<i>RTPA Indirect Cost Negotiation Agreements and Cost Allocation Plans due to Districts (Districts forward to Audits)?</i>
Mar – 03			<u>March 1</u> RTPA draft OWPs due.
Apr – 03		<u>April 1</u>, deadline for current fiscal year OWP amendments (complete package due to ORIP). <u>April 30</u> , Q3 Progress Report due to District.	
May – 03		<u>May 15</u> , Q3 Progress Report due to ORIP.	
Jun – 03			Final, adopted OWPs due, Districts approve OWPs.
July 1-June 30 = State Fiscal Year			
Jul – 03		<u>July 31</u> , Q4 Progress Report due to District.	Before <u>July 1</u> , Final approved and adopted OWP and fully executed OWPA due to ORIP. After passage of the State Budget, Accounting encumbers funds for RTPAs using complete and accurate OWPs.
Aug – 03		<u>August 15</u> , Q4 Progress Report due to ORIP. <u>August 31</u> , Year End Pkg. due to District.	
Sep – 03		<u>September 15</u> , Year End Package due to ORIP.	

For RTPAs who only get Rural Planning Assistance, a Year End Package consists of the last Request for Reimbursement for the OWP cycle clearly marked “FINAL”. (See also Section 4.10 regarding Grant Closeout.)

2.08 Planning Emphasis Areas and Federal Planning Factors

Each year FHWA/FTA jointly develop Planning Emphasis Areas (PEAs) to promote priority themes for consideration in transportation planning (i.e. for integration into the OWP). The PEAs are published in the Federal Register, usually toward the end of the calendar year and ORIP includes them in the annual *OWP Guidance*. Generally, the Department accepts the PEAs as the state planning priorities. However, the FHWA California Division also develops state specific PEAs.

Some RTPAs/MPOs discuss their PEAs-related work in the OWP introduction or prospectus. Others include matrixes to indicate the PEAs-related work elements. If one (or more) of the PEAs is not addressed, the reason should be clearly stated.

Like the PEAs, the federal planning factors in Title 23 United States Code, Section 134(f) (revised in SAFETEA-LU section 6001(h) to separate safety and security) should also be incorporated in the OWP. Federal Planning Factors are issued by Congress and emphasize planning factors from a national perspective. The Federal Planning Factors are revised with new reauthorization. With the passage of SAFETEA-LU, the federal planning factors were expanded to eight (safety and security were split into separate planning factors). The eight planning factors (for both metro and statewide planning) are: (See Sample Matrix below which is applicable to both PEAs and/or the SAFETEA-LU Planning Factors.)

Sample Matrix for SAFETEA-LU Planning Factors or PEAs

SAFETEA-LU Planning Factors						
	Work Element 1	Work Element 2	Work Element 3	Work Element 4	Work Element 5	Work Element 6
1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency.	X	X			X	
2. Increase the safety of the transportation system for motorized and non-motorized users.		X		X		X
3. Increase the security of the transportation system for motorized and non-motorized users.	X		X		X	
4. Increase the accessibility and mobility of people and for freight.			X	X		
5. Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns.	X					X
6. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight.			X		X	
7. Promote efficient system management and operation.		X				X
8. Emphasize the preservation of the existing transportation system.				X		

2.09 District Review of the Draft OWP

Regional planning staff in the Districts are the initial and primary points of contact for transportation planning between the Department and the MPO/RTPA. The draft OWPs are submitted to the Districts for review. District staff should:

- Review the draft OWP (primary reviewer)
- Identify compliance concerns (e.g. eligible uses, funding levels, etc)
- Prepare a transmittal memo identifying significant work elements and activities and route the draft OWP for review and comment to other units within the District and Headquarters, as appropriate
- Receive comments from the reviewing units, and prepare a comprehensive formal Department comment letter to the MPO/RTPA, with copies to the reviewing units and ORIP. District comment letters regarding MPO OWPs are also copied to FHWA/FTA

Development and adoption of the OWP is a lengthy procedure for MPOs/RTPAs. District Regional Planning staff should bear this in mind as they review, route and comment on draft OWPs. They should forward *OWP Guidance* to the MPOs/RTPAs as early as possible and should send comment letters in a timely manner. Comment letters should be comprehensive (i.e. they should include **all** the Department's comments).

The District reviews draft OWPs with two different emphases: conceptual and technical. The conceptual evaluation focuses on the OWP as a whole to determine whether the activities accomplish the transportation planning goals of the region. The technical evaluation focuses on compliance.

The conceptual review considers whether the activities in the OWP:

- Respond to District concerns
- Consider regional mobility issues and requirements
- Represent an inclusive planning approach to address transportation in the region
- Contribute to implementation of the Regional Transportation Plan
- Include required products such as Regional Transportation Plans, Transportation Improvement Programs, air quality conformity, etc.
- Incorporate the applicable PEAs and the federal planning factors. If any of these are not included, the reason for *not* including any of them should be stated

The technical review of the OWP centers on points such as:

- Are funding amounts consistent throughout?
- Do the budget figures add up correctly?
- Are the activities eligible uses for the regional transportation planning funding sources? (See Section 4.02 for a listing of eligible uses.)

- Have federal match requirements been satisfied?
- Has progress made in the previous year's OWP been described?
- Do the task statements, project schedules, and costs seem realistic?
- Are all regional transportation planning contracts, and grants listed?
- Have Title VI, American with Disabilities Act and other compliance considerations been included?

MPO draft OWPs are also sent to the FHWA/FTA. The drafts may be sent by the MPO directly or through the District, as MPO/District preference and custom dictate, but it is the District's responsibility to make sure the draft is provided to FHWA/FTA.

FHWA requests an electronic version and one hard copy of each MPO's draft OWP. FTA, however, prefers an electronic copy of the MPO's draft OWP. Every effort should be made to provide an electronic version of the draft OWP to both the FHWA and FTA. (See the current *OWP Guidance* for contact names and addresses.)

District regional planners should find the OWP review checklist in the annual *OWP Guidance* a helpful review tool for both the draft and the final OWP (also see the OWP Development and Review Flowchart on page 2-14).

2.10 District Staff Circulate the Draft OWP

After District staff has completed their own careful review, they circulate the draft OWP to, and solicit comments from, ORIP and other affected units in the District and Headquarters. ORIP is always included, but the contents of the draft OWP will dictate which other units should participate in the review.

The OWP is comprehensive, and the regional transportation planning activities and projects in the work elements relate to, impact, and correlate with, projects, activities and responsibilities of various District and Headquarters units. Staff in affected units should be provided the opportunity to review and comment. The District's request for review and comment transmittal memo should clearly state what is expected from these reviewers, including:

- Specific work elements, activities and/or products should be referenced
- Relevant questions should be posed
- Related accomplishments should be cited
- Pertinent Department activities should be mentioned

Some District units to whom District staff might circulate the draft OWP are:

- Traffic Operations
- Systems Planning and/or Traffic Forecasting
- Local Assistance Engineers
- Project Management
- Community Planning
- IGR/CEQA Coordinators

- Title VI Liaison
- Transit/Public Transportation Planning

Headquarters units to whom District staff might circulate the draft OWP are:

- The Division of Transportation Planning
 - Office of Regional and Interagency Planning (**always!**)
 - Office of Goods Movement
 - Office of Community Planning
 - Office of Advanced and System Planning
- Aeronautics
- Mass Transportation
- Division of Research and Innovation
- Any other affected Division

Note: Headquarters Local Assistance does not review draft OWPs. They do, however, request copies of Final OWPs.

Thorough and comprehensive review of the draft OWP by all affected Department areas is of critical importance. The District needs to communicate all the Department's substantive concerns during the OWP draft stage when issues may be more easily resolved. The District collects and is the repository for all Department comments and should send them in a single comment letter. The District should not piecemeal comments to the MPOs/RTPAs.

Obviously if major problems are discovered after the comment letter is sent to the RTPA/MPO, the District still needs to work with the MPO/RTPA to resolve them. However, after the OWP is adopted, making changes may be more costly and could delay OWP work.

2.11 The District Copies the Comment Letter to Reviewing Units and ORIP

The District coordinates its own comments with input received from District and Headquarters reviewing units in a comprehensive letter to the MPO/RTPA. The letter is copied to ORIP and to all reviewing units who provided comment. As the primary contact with the MPO/RTPA, the District determines (consistent with state and federal requirements) which comments will be included in the letter and which are better handled informally.

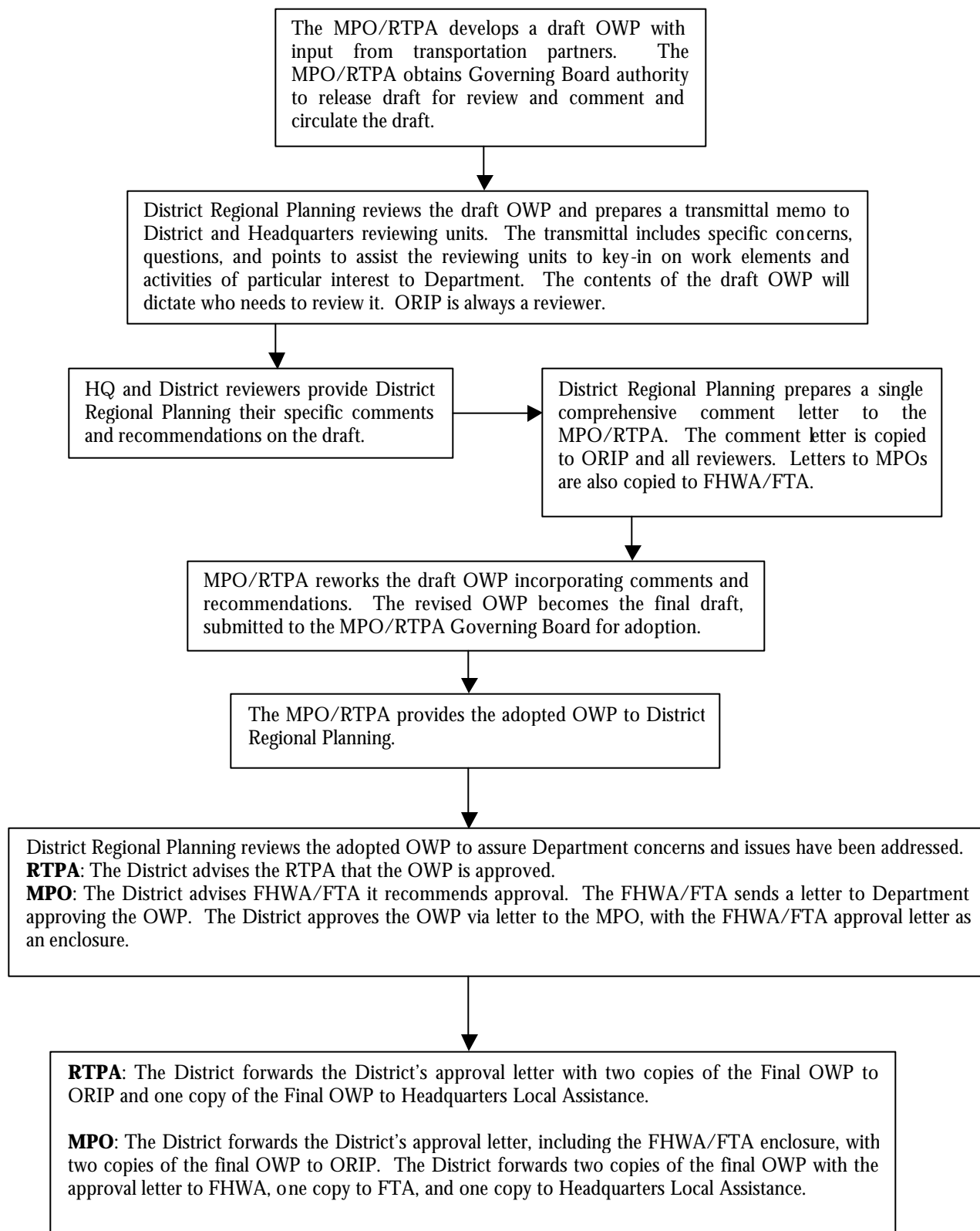
District staff provides the FHWA/FTA copies of the comment letters the District writes to MPOs. (See the current *OWP Guidance* for contact names and addresses.)

2.12 ORIP OWP Responsibilities

The following are among ORIP responsibilities:

- Develop the annual *OWP Guidance*
- Develop the *RTP Guidelines*
- Develop and update the *Regional Planning Handbook*
- Review all draft OWPs to ensure that they meet the needs of statewide programs and/or policies
- Allocate RPA and CPG and reconcile prior years CPG carryover with each MPO
- Encumber CPG and RPA through Accounting and code Requests for Reimbursement
- Advise Districts of statewide transportation policy issues, proposed legislation and new legal and regulatory requirements

OWP DEVELOPMENT AND REVIEW



2.13 District and ORIP Cooperation

Every District has an ORIP liaison. The District has primary review, monitoring, and approval responsibility for OWPs, but should work with ORIP liaison to incorporate comments on OWPs when there are issues or concerns that jeopardize approval. Although District and ORIP responsibilities are different, they are complementary.

The District informs ORIP about District and MPO/RTPA staffing changes, MPO/RTPA successes, problems, and issues (e.g. important accomplishments, high profile work elements, politically sensitive or significant issues). ORIP informs the Districts about legislation and regulations, funding, new approaches and procedures, statewide transportation planning issues of interest to the region(s), and regional lobbying efforts to the Department Director, the Secretary of the Business, Transportation and Housing Agency, and/or the Governor's Office.

2.14 Annual MPO Meetings

Between March and May of each year, the FHWA/FTA schedules interagency review meetings of the MPOs, formerly known as Intermodal Planning Group (IPG) meetings. In addition to FHWA/FTA, the MPO, the District, representatives from Headquarters, and other transportation partners often attend. The purpose of the meeting is to discuss transportation issues, trends, accomplishments, and any problems the MPO may be experiencing. The District should complete and distribute the OWP comment letter prior to the Annual MPO Meeting, and major concerns expressed in the letter should be discussed at the meeting.

It is important that all attendees have time to review the OWP prior to the Annual MPO meeting. Both the next fiscal year's draft OWP and progress on the current fiscal year's OWP are included in the meeting discussion. For this reason, MPO draft OWPs must be submitted to the District at least thirty days before the meeting, or March 1, whichever is earlier. (See the current *OWP Guidance* at <http://www.dot.ca.gov/hq/offices/orip/orip.htm> for the latest draft schedule.)

2.15 Certifications and Reviews

MPOs that include an urbanized area of 200,000 persons or larger are referred to transportation management areas (TMAs). TMAs are subject to a federal certification review every four years. (See Schedule Chart.)

The federal agency representatives review the TMA's self-certifications compliance with the laws listed in the FHWA/FTA certifications and assurances. (See Section 2.16 for more information.)

The TMA Certification Schedule Years

TMA/MPO	Latest Report Date	Next Report Due Date	Begin Review Activities*
Southern California (SCAG)	April 2002	Fall 2005	Complete
Sacramento (SACOG)	February 2003	February 2007	June 2006
Stanislaus (StanCOG)	September 2003	September 2007	February 2006
Kern (KCOG)	January 2003	January 2007	July 2006
San Francisco (MTC)	October 2003	October 2007	May 2007
Santa Barbara (SBCAG)	June 2004	June 2008	January 2008
San Diego (SANDAG)	September 2004	September 2008	March 2008
San Joaquin (SJCOG)	April 2005	April 2009	November 2008
Fresno (COFCG)	May 2005	May 2009	December 2008

* Review activities typically begin approximately 6 months prior to report due date, with some exceptions due to staff constraints and other considerations. These schedules are subject to change.

Although in the past the Annual MPO Meetings and certification meetings have been scheduled together, recently FHWA/FTA began to separate the two. The reason for splitting the two is to permit better focus at each, on OWP activities at the Annual MPO Meetings, and certification compliance at the certification review. Generally certification review meetings last approximately two to three days.

Those MPOs that annually receive more than \$250,000 in FTA § 5303 funds must also submit their Equal Employment Opportunity (EEO) Program reports by September 30 every four years (2001, 2005, 2009, 2013 etc). The EEO Program reports are required per, and must comply with, the Urban Mass Transportation Administration (UMTA) Circular 4704.1. The reports should be submitted to the Districts, for review to ensure compliance with the UMTA Circular.

The Districts maintain copies of the reports for their files and submit the original to ORIP within two weeks after receipt from the MPOs. ORIP checks the reports and forwards them to FTA.

At present, only Southern California Association of Governments (SCAG), Metropolitan Transportation Commission (MTC), San Diego Association of Governments (SANDAG) and Sacramento Area Council of Governments (SACOG) receive more than \$250,000 in FTA § 5303 funds annually.

Copies of the circular may be obtained from ORIP and information about EEO reporting may be found at:

http://www.fta.dot.gov/legal/federal_register/2004/16290_17942_ENG_HTML.htm

2.16 Certifications and Assurances

By including the FHWA and FTA certifications and assurances in their final adopted OWP each year, MPOs certify their compliance with the federal laws listed on the certification, for example: the Civil Rights Act of 1964, the Americans with Disabilities Act, and others. The federal certifications and assurances are published in the *Federal Register* and the latest versions are included in the MPO version of the *OWP Guidance* prepared each year by ORIP.

District staff must carefully compare the certifications and assurances in the OWP. The legal citations may change from year to year and an inaccuracy of a few letters or numbers in the citation may have significant legal implications.

MPOs receive both FHWA PL and FTA § 5303 each year and must always include both certifications and assurances in their OWPs annually. FTA requires the “Federal FY – Certifications and Assurances for FTA Assistance” and both FTA and FHWA require the “Metropolitan Transportation Planning Process Certification.”

In addition to the FHWA and FTA certifications and assurances, MPOs must also submit the Debarment and Suspension certification and assurances form in their annual OWPs. Previously, the Debarment and Suspension certification was included in the FTA certification and assurances; however this clause was removed by FTA beginning in FY 2004/2005.

RTPAs that receive RPA funds must include the State Transportation Planning Process certification. RTPAs need to perform the following tasks as necessary: include the planning process certification if they receive a FHWA State Planning and Research – Partnership Planning Element grant; provide the FTA certifications and assurances when they receive an FTA § 5305 grant; and provide Debarment and Suspensions certification if they receive a FHWA Partnership Planning Element grant and/or FTA § 5305 grant.

At the MPO/RTPA level, certifications must be executed by an individual who the Governing Board has delegated signature authority (usually the Executive Director or Finance Officer). The District Director or her/his delegate signs the certification for the Department. The FTA Certifications and Assurances also include an affirmation signed by the MPO’s/RTPA’s attorney-at-law.

The Civil Rights Restoration Act of 1987 clarified the intent of Congress to include all programs and activities of Federal-aid recipients, subrecipients and contractors, whether or not federal funding is used for the specific activity in question, (i.e. recipients of any federal funds are required to comply with non discrimination on the basis of race, color, national origin, sex, disability and age).

All RTPAs receive some federal funding, therefore RTPAs need to certify that their regional transportation planning efforts and processes comply with federal Civil Rights provisions.

Government Code Section 65080 stipulates regional transportation plans shall consider factors specified in Section 134 of Title 23 of United States Code (USC), and the plan shall be consistent with federal planning and programming requirements.

Beginning with the 2002/2003 OWP cycle, the RTPA Certification format is provided in the annual *OWP Guidance* and is required to be included in all (non-MPO) RTPA OWPs.

Please note: All Certifications and Assurances must be signed and forwarded to the ORIP Fund Specialist in order for funds to be encumbered and repaid for that fiscal year.

2.17 Approving the Final OWP

Prior to approving the OWP, District staff review the MPO/RTPA Governing Board-adopted Final OWP to assure Department concerns have been adequately addressed. The OWP *cannot* be approved if it contains questionable issues that do not meet federal regulations as outlined in the OWP Guidance Package.

The Final OWP should only include committed funds. The FHWA PL and RPA totals included in the *OWP Guidance* are deemed committed amounts even though totals may change after passage of the federal and state budgets, respectively. (Sections 3.06 and 3.07 discuss permitted inclusion of CPG discretionary grants and unexpended CPG carryover balances in the draft and Final OWP.)

RTPAs: The District is responsible for approving (or disapproving) the Final OWP. When the Department's issues have been resolved, the District advises the RTPA in writing of the Department's approval of the Final OWP.

MPOs: The District is responsible for Department approval (or disapproval) of the MPO's Final OWP, once, the Department's issues including compliance with Title VI and related statutes have been resolved. The District advises FHWA/FTA that the state *recommends* approval.

FHWA/FTA does not write its approval letter until after it has received approval recommendation notification from the District. The District's recommendation signifies to FHWA/FTA the Department's determination that the OWP complies with all of the Department's requirements, and that the District has completed a thorough review and is satisfied with the OWP.

FHWA/FTA approval only pertains to those aspects of the OWP, that they are responsible for reviewing. Although their approval comes later in time, it is not a substitute for careful District review and does not supersede the District's ability to disapprove the OWP.

FHWA and FTA may prepare a joint reply or may send separate approval letters. Their approval may be addressed to the District with copies to the MPO or it may be addressed to the MPO with copies to the District. There is no statewide uniformity on this procedure. After the FHWA/FTA provides their written approval, the District advises the MPO in writing of the Department's approval of the Final OWP and encloses the FHWA/FTA approval letter. The FHWA and FTA MOU require that FTA send out the approval letter to the MPO and District.

After the OWP and the OWPA are finalized, the District transmits these to their ORIP liaison. An OWP/OWPA transmittal package includes the following:

- ✓ District OWP approval letter
- ✓ FHWA/FTA OWP approval letter (MPOs only)
- ✓ Two copies of the adopted and approved OWP
- ✓ One original OWPA bearing (original) MPO/RTPA and District signatures in **blue** ink
- ✓ MPO letter indicating how much PL and/or FTA § 5303 carryover, if any, is included in the OWPA. (See Sections 3.07 and 3.08 for more information.)
- ✓ The MPO/RTPA Governing Board resolution (or equivalent) adopting the OWP
- ✓ Governing Board authority for MPO/RTPA staff to sign the OWPA
- ✓ Certifications and Assurances (FHWA, FTA, Debarment and Suspensions)

Although the Governing Board resolution adopting the OWP is very specific, the action authorizing staff signature of the OWPA may be more generic. If the Chair of the Governing Board signs the OWPA, no signature authority is required.

If the MPO/RTPA is awarded an FTA § 5305 or FHWA SP&R-Partnership Planning grant, the OWP must include the work to be performed and the products to be completed, and the OWPA must include the grant amount. The OWPA submittal package must also include a copy of the grant award notification letter.

ORIP requests two copies of the final adopted and approved OWP:

- (1) Official ORIP file copy
- (2) Caltrans library copy

2.18 ORIP Requests an Electronic Version of the Final Adopted and Approved OWP

In addition to two hardcopies of each final adopted and approved OWP, ORIP requests an electronic copy of the final OWP. Districts should obtain these from the MPOs/RTPAs and should e-mail them to their ORIP liaison.

2.19 Accomplishing the OWP

If ORIP has received the required documentation from the District, the ORIP Fund Specialist works with Accounting to encumber transportation planning funds for the MPO/RTPA. Following fund encumbrance, the MPO/RTPA can then proceed to do the work and accomplish the activities in its Final OWP. Periodically the MPO/RTPA seeks reimbursement through the District using the Request for Reimbursement (RFR) form for completed OWP work for which it has paid using local funds. (RFRs are discussed in Sections 4.04, 4.05, 4.06, and 4.07.) Beginning in FY 2004/2005, the Master Fund Transfer Agreement (MFTA) allows two options for seeking reimbursement defined in each MPO/RTPA MFTA Article II, Section 1.

Throughout the year, the District monitors completion of the MPO's/RTPA's OWP regional transportation planning activities and products. District staff maintains close communication with the MPO/RTPA as a member of advisory committees, task forces and working groups; by providing Department input for OWP activities and products; by attending meetings; by reviewing Governing Board agendas and actions; by commenting on draft documents; etc. District regional transportation planning staff also facilitates communication between various District and Headquarters units and the MPO/RTPA.

District regional planning keeps the MPO/RTPA informed about pertinent Department matters and it keeps the Department informed about pertinent MPO/RTPA matters.

2.20 OWP Amendments

It is critical that the OWP accurately reflects the transportation planning activities of the MPO/RTPA. If funding, schedules, work products, or other items change, the OWP must be revised to reflect these changes. The significance of the changes determines whether this can be accomplished administratively or with a formal amendment (See 2.21 Administrative Amendments and 2.22 Formal Amendments for more information).

Amending the OWP requires many of the same steps as development and adoption of the original OWP. District Regional Planning staff should bear this in mind and work to approve OWP amendments in a timely manner.

The Department receives the official FHWA PL appropriation for the current year after passage of the federal budget, approximately October 1. Since OWPs follow the state fiscal year, many MPO OWPs and OWPAs need to be amended to update FHWA PL amounts and activities (the state fiscal year begins July 1 and ends June 30, and the federal fiscal year begins October 1 and ends September 30).

After closeout of the prior year's OWP, the MPO/RTPA, the District and the ORIP Fund Specialist need to reconcile unexpended CPG formula fund carryover balances. After reconciliation, the affected MPOs may amend their OWPs to add-in unexpended carryover and the activities to be funded therewith. The OWPAs **must** also be amended to agree with any carryover amended into the OWPs (See Sections 3.07 and 4.09 for more information about unexpended carryover year-end closeout).

The RPA amounts in the *OWP Guidance* also are estimates. If there are substantial population changes in one or more counties, the RPA distribution may change, resulting in an increase or decrease in the amount of RPA a rural county receives. Also, the anticipated annual RPA funding is not committed until it is included in the State Budget, signed by the Governor.

FHWA PL and RPA estimates in the *OWP Guidance* are used for the Final OWP and the initial OWPA. If, after budget passage these estimates are too high or too low, the OWP and the OWPA need to be amended consistent with the different amount.

2.21 Administrative Amendments

An administrative amendment is accomplished unilaterally by the MPO/RTPA. These amendments involve insignificant changes, that do not affect delivery of regional transportation planning tasks, activities, steps, products, etc. One example of an administrative amendment is the correction of errata.

There also may be changes to non-transportation planning work elements that do not affect transportation planning funds, activities and products. These may be considered administrative amendments so long as the changes do not result in a diversion of MPO/RTPA staff time or are a detriment to previously approved transportation planning activities and products.

A copy of all changes to the OWP, whether administrative or formal amendments need to be provided to the Districts, and to ORIP (via the Districts). Any changes to an MPO OWP need to be provided to FHWA/FTA. While it is not required, ORIP suggests that the District check with the ORIP fund specialists or District Liaison regarding changes.

2.22 Formal Amendments

A formal amendment is required if there are substantive changes to work elements funded with CPG and/or RPA *or* if the changes (regardless of funding type) impact regional transportation planning activities. **The MPO/RTPA cannot change work activities or redirect funds prior to the District's approval, and if needed FHWA/FTA's approval, of an amendment.**

Given the time and effort required to amend an OWP, the Districts should first consider if the MPO/RTPA needs to adopt a formal amendment to the OWP. If a formal amendment is required, an explanatory letter or memo and the affected pages, with the changes highlighted, would be sufficient documentation of the OWP files.

The Districts need to use some discretion to determine what triggers the need for a formal OWP amendment. If the activities and products in an existing work elements prove to be more expensive than estimated, the MPO/RTPA, may add in local funding through an informal OWP amendment. This should be handled between the District and the MPO/RTPA. However, this does not mean the MPO/RTPA can move local match money from work element to work element without a formal OWP amendment.

The Quarterly Progress and Expenditure Report can be used to reflect insignificant schedule changes that affect work activities or products. However, if there are significant delays or deletion of some deliverables, a formal amendment is needed.

If an OWP amendment causes the information on the OWPA to be inaccurate, the OWPA must also be amended.

Some examples of changes that require a formal amendment:

- Addition/deletion of a work element funded with CPG and/or RPA
- Addition/deletion of activities, which impact regional transportation planning
- A change in scope of a work element funded with CPG and/or RPA *or* which impacts regional transportation planning activities
- A change in scope of a work element that affects the OWP as a whole
- Substitution of fund sources within a work element; redirection of CPG, RPA or local match among work elements
- Increase/decrease in total CPG and/or RPA in the OWP

A change in scope means altering the broad purpose or objective of a work element. For FTA Section 5305 and FHWA State Planning and Research- Partnership Planning grants, a schedule change constitutes a change, that requires amendment of both the OWP and the grant application.

Districts provide any and all amendments to ORIP and must have ORIP's concurrence prior to approving formal amendments and forwarding them to FHWA/FTA for final approval

2.23 Formal Amendment Concurrence is Required Before District Approval

The District has primary approval responsibility for informal amendments. Formal amendments require ORIP concurrence before they are sent to FHWA/FTA for approval.

Reduction in scope-of-work, or addition/deletion of work elements and projects funded with CPG, or redirection of CPG, or local match among work elements all require ORIP concurrence. Changes-in-scope are discouraged for CPG discretionary grants because they are competitively awarded. Reduction in scope-of-work or addition of work elements and projects funded with RPA requires ORIP's concurrence.

Change-in-scope amendments involving discretionary state and federal grants administered by Division of Transportation Planning, if any, require concurrence from the administering Office, such as the Office of Community Planning, or the Office of Policy Analysis and Research, as applicable. Such changes are discouraged because these grants are also competitively awarded.

Offices whose concurrence is required for an OWP amendment are encouraged to respond expeditiously, via e-mail if possible.

A ten percent (10%) change of CPG in an MPO's OWP (either 10% in one change, or cumulatively through several smaller changes) triggers the requirement for FHWA/FTA amendment approval. FHWA/FTA request copies of *all* changes to an MPO's OWP. (See the current *OWP Guidance* for contacts and addresses.)

2.24 Approving an Amendment

The steps for approving an amendment are similar to those for approving the OWP: after Governing Board authorization, the MPO/RTPA provides the District with an amendment. The District reviews it and determines whether it is a formal or informal amendment. If other District or Headquarters units are affected by the amendment, it is shared with them. Amendments are always provided to ORIP.

Transportation planning activities cannot be added, deleted, or changed, and activities *affecting* delivery of transportation planning cannot be changed. The CPG/RPA or local match cannot be added/deleted or redirected among work elements until the District approves the OWP amendment. Formal amendments may require FHWA/FTA approval.

2.25 The District Provides ORIP All Amendment Information

Both the District and ORIP need to have current and accurate copies of the OWPs that reflect all changes, whether they are considered correction of errata, administrative, informal, or formal amendments. The District always provides the ORIP liaison with the most current OWP and OWPA. FHWA/FTA also request copies of all changes to MPO OWPs.

An OWP amendment package includes a transmittal memo, which briefly explains the amendment, and all *affected* pages of the OWP attached (e.g. revised work element pages, a revised Budget Revenue Summary, and a resolution from the MPO/RTPA Board approving the amendment). If there are CPG and/or RPA changes, the package must include an amended, fully executed, original OWPA (signed in **blue** ink to more easily distinguish original signature from photocopies).

The above are needed to keep the funding contract components current and accurate, to inform ORIP about regional planning activities, to accurately track funds in the MPO's/RTPA's account, and, as applicable, for federal oversight and review.

2.26 The Deadline for OWP Amendments is April 1

The deadline for amending the current fiscal year's OWP is April 1. The amendment package must be received in the District and in ORIP by this date.

This deadline is established to allow time to encumber additional funds, if applicable, to process Requests for Rebursements (RFRs) and to allow the MPO/RTPA sufficient time to complete all work during the current state fiscal year funding cycle.

In *extraordinary and compelling* instances and *on a case-by-case basis*, requests for extension of the April 1 deadline *may* be considered by ORIP. **There is no assurance deadline extensions will be granted.**

A complete Request for Extension package from the District to ORIP consists of an explanatory memo with attachments documenting the request.

The memo includes:

- A summary and analysis of the proposed change(s)
- An explanation of the special circumstances of the extension request
- A statement of the consequences of *not* granting the extension
- An assurance the work can be completed and funds expended by June 30
- The District's recommendation to approve or deny

The required attachments to the District's memo include:

- The revised OWP work element(s), and as applicable, Budget Revenue Summary
- Authority from the MPO's/RTPA's Board to make the changes
- Evidence of concurrence, as applicable

Due to the time required for Accounting to redirect funds (which may involve the State Controller), amendments which involve an OWPA amendment, will *almost never* be considered after April 1. However, should a Request for Extension involve an amendment of the OWPA, an amended, fully executed, original OWPA also needs to be among the memo attachments.

2.27 Monitoring Progress

After the OWP is approved and the CPG/RPA funds are encumbered, the District is responsible for monitoring progress on the OWP through:

- Participation on technical advisory committees and working groups, in meeting attendance, and other direct interaction with the MPO/RTPA
- Review and circulation of any draft products (e.g., working papers, reports, tools, etc.)
- Review of Quarterly Progress and Expenditure Reports, including receipt and review of any completed products
- Conducting Mid-year Reviews, and/or participating in MPO annual meetings and certification reviews
- Review for accuracy of Requests for Reimbursement including the supporting financial materials

Note: There can be no reimbursement of RPA and/or CPG funds prior to:

- (1) **Adoption and approval of the OWP**
- (2) **Submittal of a complete and fully executed OWPA, board resolution and all certifications and assurances to ORIP and**
- (3) **Adoption of the State Budget**

The District works closely with the MPO/RTPA to assure that activities are being completed on schedule, reimbursed work is accurately charged, and reimbursement is occurring timely. If there appear to be problems, the District provides immediate assistance.

If the delays with one work element are so significant that the MPO/RTPA anticipates rescoping the activity or postponing activities to the next state fiscal year, the funding from the delayed work element may need to be redirected. If a work element is progressing well, but is more costly than anticipated, funds from the delayed work element may be freed up and used for an underfunded work element. This requires an OWP amendment and District approval of the amendment *before* activities are changed and funds redirected.

2.28 Quarterly Progress and Expenditure Reports

To assure effective communication of OWP progress and to provide opportunity for timely intervention by the District, if needed, the MPO/RTPA is required to submit a Quarterly Progress and Expenditure Report within 30 days after the end of each quarter (23CFR420.117 and MFTA Article I, Section 2). These Reports are submitted to the District, which provides copies to ORIP.

The quarterly report describes work progress (or delays in work) and invoicing during the quarter to accomplish the OWP. The Reports are due to the Districts within 30 days after the end of each quarter of the state fiscal year:

- 1st quarter = Reports covering July 1 through September 30 are due October 31.
- 2nd quarter = Reports covering October 1 through December 31 are due January 31.
- 3rd quarter = Reports covering January 1 through March 31 are due April 30.
- 4th quarter = Reports covering April 1 through June 30 are due July 31.

Originally in two components (a narrative and a spreadsheet format), the quarterly report has been combined into a single spreadsheet format, the Quarterly Progress and Expenditures Report. This report only needs to address regional transportation planning related activities and work elements funded with CPG and/or RPA.

The spreadsheet includes the opportunity for brief comments to reference MPO/RTPA accomplishments and/or problems for the quarter. If work is not progressing on schedule, this should be stated and new target dates should be provided; either the date when activities will be back on schedule or new anticipated completion dates.

MPOs/RTPAs are strongly encouraged to continue to prepare a more comprehensive narrative quarterly report. Narratives provide a convenient overview and summary of work progress for Governing Boards, transportation planning partners, members of the public, and others.

The Quarterly Progress and Expenditure Report spreadsheet includes, for example:

- The work element by number and title
- Work progress, schedule slippages, etc.
- A list of tasks and products completed during the quarter
- Total funds budgeted and spent for the work element by funding source and type, year-to-date expenditures of all planning funds, indirect costs, local match, etc.
- Total RPA and/or CPG expended during the quarter
- The local match dollar amount and its identification as funds or in-kind services

The quarterly reports keep the District regional transportation planner and the District's ORIP liaison current with OWP progress. If OWP activities are off schedule, it may be appropriate to amend the OWP to reflect the new schedule. If CPG and/or RPA funds are to be redirected, or if funding changes impact regional transportation planning activities, an amendment is required.

After the end of each fiscal year, the District submits the MPO's quarterly reports for the year to the FHWA/FTA. Although the District provides ORIP quarterly reports throughout the year, the District also forwards ORIP the annual collection of quarterly reports transmitted to FHWA/FTA. (See the *OWP Guidance* for current contacts and addresses.)

Some MPOs prefer to submit quarterly and/or end of year reports directly to FHWA/FTA, with copies to the District. In this case, it remains the District's responsibility to assure quarterly reporting is occurring, to review such reports, and to provide copies to ORIP.

The District also obtains and reviews copies of end products funded with CPG. The District makes these available to ORIP and/or FHWA/FTA upon request. Products funded with FTA Section 5305 and FHWA State Planning and Research –Partnership Planning grants must always be provided to ORIP.

The District also obtains and reviews copies of end products funded with RPA. These are provided to ORIP, but are not forwarded to FHWA/FTA.

The Appendix includes sample MPO and RTPA Quarterly Progress and Expenditures Reports.

2.29 Mid-Year Reviews

The District should schedule a Mid-Year review meeting with the MPO/RTPA to review OWP progress. As appropriate, the Mid-Year review may be conducted less formally, e.g., as part of another meeting, on the telephone, etc.

District staff should carefully track RPA in particular, which lapses at the end of the state fiscal year. To preclude any RPA being lost, the Districts and ORIP should work with any RTPA that cannot expend all its RPA. It is critical to free up such funds in a timely manner so other RTPAs can make use of any RPA funds that are in danger of lapsing.

Redirection of RPA, if any, would be discussed with the Rural Counties Task Force, which is composed of the rural RTPA recipients of RPA.

3 THE CONSOLIDATED PLANNING GRANT (CPG)

In 1997, FHWA/FTA instituted a transportation planning funds process called the Consolidated Planning Grant (CPG). As per the Common Rule (Title 49 Code of Federal Regulations, Part 18), state procedures apply unless they are less restrictive than federal procedures. In the latter instance, federal requirements prevail. California's implementation of CPG is as per the procedures described in this Handbook and in the MPO version of the annual *OWP Guidance*.

In California, the four CPG fund sources and types are:

- FHWA Metropolitan Planning (FHWA PL)
- FTA Metropolitan Planning, Section 5303 (FTA § 5303)
- FHWA State Planning and Research -- Partnership Planning Element
- FTA State Planning and Research, Section (FTA § 5305)

FHWA PL is a set aside, not to exceed 1.25% of a state's authorized funds, to be appropriated, after deductions, as per Section 104, Title 23 USC (also see § 420.103, Title 49 CFR). California's share of FHWA PL totaled approximately \$43 million in 2006/2007. (The actual amount of FHWA PL is contingent on the passage of SAFETEA-LU expected sometime in 2007.) Annual estimates can be found in the OWP Guidance packages for MPOs and RTPAs.

FTA § 5303 annual authorized appropriations are set forth in Section 5338, Title 49 USC. California's share of FTA § 5303 totaled approximately \$12 million in 2006/2007.

FHWA and FTA State Planning and Research grant funds are available as set forth in Section 307(c)(1), Title 23 USC, and Section 5338, Title 49 USC. In 2006/2007, California's share totaled approximately \$1,000,000 for FHWA State Planning and Research -- Partnership Planning Element and approximately \$2.3 million for FTA §5305.

There are some key differences among these four components:

- FHWA PL and FTA § 5303 are allocated to MPOs, per formula, from the annual federal apportionment to California. Non-MPO RTPAs do not receive these funds.
- The two discretionary grants - FHWA Partnership Planning Element and FTA §5305 - must be applied for annually and are competitively awarded. RTPAs and MPOs may apply.
- FHWA and FTA funds are administered on different time lines. Around October 1, with the federal budget, FHWA funds are appropriated and apportioned for the current federal fiscal year, and FTA funds are appropriated for the following federal fiscal year.
- FHWA PL and FTA § 5303 may be carried over from year-to-year.

- FTA § 5305 and FHWA State Planning and Research – Planning Partnership Element may be carried over, but must be expended within three years (one year to encumber, plus two years to liquidate), consistent with the grant application representations, and as shown in the OWP work elements.

Each year, ORIP solicits applications for FHWA State Planning and Research – Partnership Planning Element and FTA § 5305 discretionary grants through request for grant applications. The grant application package provides more specific information about these grants, filing procedures and deadlines, rating criteria, etc. (For more information go to: <http://www.dot.ca.gov/hq/tpp/offices/orip/grants.htm>)

3.01 Metropolitan Planning, FHWA PL and FTA § 5303

MPOs receive FHWA PL and FTA § 5303 funds each year to develop transportation plans and programs. All MPOs receive FHWA PL funds and all MPOs with an urbanized area receive FTA § 5303 funds each year. TMPO is the only MPO, that does not currently receive FTA § 5303 funds.

The percentage of the California apportionment of FHWA PL and FTA § 5303 each MPO receives is determined by a formula agreed to by the MPOs, Department, and FHWA/FTA.

The FHWA PL formula has three components:

- (1) A base allocation
- (2) A two-part population component which distributes funds by the proportion of the total population of each MPO based on California Department of Finance estimates each January
- (3) An air quality component based on the proportion of federal Congestion Mitigation Air Quality (CMAQ) funds to total programmatic FHWA PL funds

The FTA § 5303 formula has two components:

- (1) A base allocation
- (2) A population component, which distributes funds according to the MPO's percentage of statewide urbanized area population as of the most recent decennial census.

The FHWA PL formula refers to *total* population, but the FTA § 5303 formula refers to *urbanized area* population. Also, the FHWA PL population number is adjusted annually, but the FTA § 5303 population number is only adjusted after each decennial census.

Per Title 23 U.S.C. § 104 (f), an amount not to exceed 1.25% of funds authorized to be appropriated for expenditure upon programs (less authorized deductions as per § 104(a)) is set aside for metropolitan planning, i.e. FHWA PL.

Per Title 49 U.S.C. § 5338 (c), (h), and (i) amounts authorized for FTA § 5303, and 5305 are set forth by year.

3.02 FHWA State Planning and Research – Partnership Planning Element

Any MPO/RTPA may compete for FHWA State Planning and Research – Partnership Planning Element, but proposals must be jointly submitted with Department. Grants are for Department and MPOs/RTPAs to jointly perform and jointly fund transportation planning studies having statewide benefit and/or multi-regional significance.

3.03 FTA § 5305

MPOs/RTPAs may compete for FTA § 5305 grants, on their own behalf or on behalf of one or more subrecipients. Examples of subrecipients are transit operators, public agencies, private non-profit or community based organizations, universities, training institutes, and Native American Tribal Governments.

There are three FTA § 5305 components:

- Transit Technical Planning Assistance
- Statewide Planning Studies
- Transit Professional Development

Transit Technical Studies Grants fund the preparation of public transit and/or intermodal transportation planning efforts in rural areas.

Statewide Planning Studies Grants fund transit issue studies of statewide or multi-regional significance to reduce urban congestion through transit, and/or improved transit service.

Transit Professionals Development Grants fund training for transit planning professionals and student interns using public or private training entities (not MPO/RTPA or transit agency in-house staff) with public transportation expertise.

3.04 California's Implementation of the CPG

Implementation of the CPG in California is described in this Handbook and in the annual MPO version of the *OWP Guidance*. These are the references the Districts should use and should share with the MPOs. Both are posted on the ORIP website

<http://www.dot.ca.gov/hq/tpp/offices/orip/orip.htm>

Rather than each MPO and any RTPA recipient of a CPG discretionary grant applying individually to FHWA and to FTA, Department makes application for all of California. Through Headquarters Accounting, ORIP annually establishes CPG expenditure authorizations (EAs.)

Districts no longer need to obligate/deobligate funds each fiscal year and ORIP has standardized Request for Reimbursement (RFR) and other procedures. The transfer of CPG funds is accomplished through a single Master Fund Transfer Agreement between Department and each MPO/RTPA rather than several source-specific fund transfer agreements.

To satisfy federal Intergovernmental Review, Presidential Executive Order 12372, ORIP now files Office of Management and Budget Forms STD 424 with the State Clearinghouses on behalf of all MPOs/RTPAs.

3.05 Local (Non-Federal) Match

Like most other federal funding sources, CPG requires a state or local match. The non-federal match rate for FHWA PL, FTA § 5303, and FTA § 5305 funds is 11.47 percent. The non-federal match required for FHWA State Planning and Research – Partnership Planning Element is 20 percent.

The term Minimum Local Match refers to the percentage of local match required by a specific grant program. However, the term “Mandatory Local Match” shown on the Overall Work Program Agreement (OWPA) form refers to the total amount of the local match, including both cash and in-kind contributions. The Mandatory (or total) amount of the local match must be shown on the Overall Work Program Agreement (OWPA).

Upon incorporation of an approved federal grant application as a Work Element in the OWP, the local match amount shown in the grant application, in the OWP Work Element page, in the Budget summary table and in the OWPA must be consistent.

The ORIP Fund Specialist can provide a spreadsheet with preset calculations to assist Districts and MPOs/RTPAs to accurately compute local match.

- The local match is a percentage of the total sum of the federal participation amount *plus* the required non-federal participation amount. It is not only a percentage of the federal participation amount.
- The match is calculated work element-by-work element. It is not a percentage of total federal funds in the OWP.
- If different federal sources and types are among a work element’s funding sources, local match must be calculated for each federal source and type.

Three local match calculation considerations are:

1.) The local match rate is calculated on the total sum of the federal participation amount plus the required (non-federal) local share amount, not just the federal participation amount.

Assuming an 11.47% local match rate, to determine the local match amount if only the federal participation amount and federal participation percentage rate are known:

The total of the federal participation amount (\$88.53) divided by the federal participation percentage rate (.8853) equals the sum of federal participation plus the mandatory local match.

$\$88.53 \div .8853 = \100 (the quotient is the sum of federal participation plus the mandatory local match)

This quotient (\$100) multiplied by the local match rate (.1147) yields the local match amount.

$\$100 \times .1147 = \11.47 (local match amount)

2.) The local match rate is calculated work element-by-work element. It is not a percentage of total federal funds in the OWP.

Each work element in the OWP, the OWP Budget Revenue Summary, and each RFR must reflect the mandatory local match by work element. Including more than the mandatory minimum local match in one work element (sometimes called “overmatching”) cannot be “balanced” with less than the mandatory local match in a different work element (sometimes called “undermatching”).

Local match, like other sources in the OWP cannot be redirected among work elements without amending the OWP, and as appropriate also the OWPA. (See Sections 2.20, 2.21, 2.22, 2.23 and 2.24 for information regarding OWP amendments.)

3.) If more than one federal source is among a work element’s funding sources, local match must be calculated for each federal source.

The work element includes an \$80 federal participation amount of State Planning and Research – Partnership Planning Element funds, which requires a 20% local share, and an \$88.53 federal participation amount of FHWA PL funds, which requires an 11.47% local share.

$\$80 \div .80 = \100

$\$100 \times .20 = \20 (the mandatory local match for the State Planning and Research – Partnership Planning Element portion), and

$\$88.53 \div .8853 = \100

$\$100 \times .1147 = \11.47 (the mandatory local match for the FHWA PL portion)

Each work element entry on each RFR must show at least the mandatory local match amount. A higher match amount (overmatch) on one RFR cannot compensate for a lower match (under match) on a previous or subsequent RFR.

Federal participation may also be matched with services, i.e. work performed that benefits the project, provided it is not funded with federal funds. This is called “in-kind” or “soft match”. Some examples of “soft match” are the value of community advisory

committee members' services, the value of volunteer services, and the value of services provided to a specific MPO/RTPA planning work activity by a subregional agency, or city or county staff.

In the instance of “in-kind” or “soft-match” local participation, the District needs to verify such services are not funded with a different federal funding source and such services are not also inadvertently charged as Indirect Costs. The MPO/RTPA needs to provide solid supporting documentation when “in-kind” is used as the local match. (Section 4.04 provides more information about Indirect Costs.)

If federal sources are used to fund consultant contracts, a “hard” match, i.e. non-federal funds, is preferred. If “in-kind” match is to be used, the District needs to carefully review the in-kind services match to assure it:

1. Was funded with non-federal funds (e.g., with Planning Programming and Monitoring (PPM), local sales tax measure, etc.), and
2. Adds some benefit to the consultant contract, i.e. makes it better or less expensive. For example, a local agency could provide data the consultant will not need to be paid to collect.

3.06 When to include CPG Discretionary Grant Funds in OWPs and OWPAs

Although for information purposes the draft OWP should include work activities to be funded with CPG discretionary funds applied-for-but-not-yet-awarded, the Final OWP should generally only include **committed** funding, i.e., fully funded work elements.

In response to requests from MPOs/RTPAs, applied-for-but-not-yet-granted CPG discretionary grant funds and the work activities to be funded therewith *may* be included in the Final OWP. However, both the activities in the individual work elements and the Budget Revenue Summary must clearly be marked to show there is no assurance that CPG discretionary grant funds will be awarded and there is no assurance that the work activities proposed to be funded therewith will be accomplished.

Only committed funds are shown on the executed OWPA. If a CPG discretionary grant is later awarded, the OWPA must be amended to include it.

If applied-for-but-not-awarded CPG discretionary grants are not shown in the Final OWP, after award, they and the work activities they will fund, need to be amended into the OWP and the OWPA needs to be amended to reflect these grant funds. The OWP work element must always be consistent with the representations in the grant application. If there are changes as the project progresses, both need to be amended.

3.07 Unexpended Carryover

An MPO may use unexpended FHWA PL and FTA § 5303 funds in a future fiscal year provided the following are met:

- The MPO has submitted a Certification of Expenditure by Fund Source, including the Final Statement of Expenditures, within sixty days after the end of every state fiscal year, executed by an individual to whom the Governing Board has designated signature authority (usually the Executive Director or Finance Officer.)

and

- The District, MPO and the ORIP Fund Specialist have reconciled the unexpended FHWA PL and/or FTA § 5303 balances at the end of each fiscal year.

FTA § 5305 and FHWA State Planning and Research – Partnership Planning Element may be carried over but must be liquidated within three years of award. Funds must be expended as per the grant application and schedule, and as shown in the OWP work elements for the applicable fiscal years. If there are changes, both the grant application and the OWP must be amended.

An MPO/RTPA recipient may use unexpended FTA § 5305 and FHWA State Planning and Research – Partnership Planning Element funds in a future year provided:

- The three year time limit to expend grant funds has not been exceeded, i.e., year of award plus two years, and
- Both the OWP work element and the grant application reflect the multi-year expenditure schedule.

CPG carryover amounts and work to be accomplished therewith should be included in the Final OWP; however FHWA PL or FTA § 5303 programmed in the current OWP cannot be included in the next year's Final OWP and OWPA until after balance reconciliation. After closeout of the current year's OWP and balance reconciliation the MPO may amend some or all of these amounts, and the activities to be funded therewith, into the OWP and the OWPA. (See Section 4.08 for more information about Closeout.)

If an MPO has FHWA PL or FTA § 5303 not programmed in the current OWP, such amounts may be included in the next year's Final OWP. The OWPA cannot include separate current year and carryover entry lines. The combined total of the current year's amount plus any carryover amount must be entered on the respective CPG fund source and type line. Along with the OWPA, the MPO/RTPA must provide an explanatory letter or memo specifying:

- Current year amounts
- Carryover amounts by CPG fund source, type, and allocation year

Both the original fully executed OWPA (signed in **blue** ink to more easily distinguish original signatures from photocopies) and the executed original of the MPO/RTPA explanatory memo or letter are filed with the ORIP Fund Specialist.

3.08 Reconciliation of CPG Carryover Balances

After the MPO has submitted its Year-end Package, the ORIP Fund Specialist establishes the MPO's remaining balances of prior years' FHWA PL and FTA § 5303. ORIP then prepares a balance reconciliation letter. Should there be disagreement about the balance, the ORIP Fund Specialist, the District, and the MPO work together until they achieve balance reconciliation. (See Section 4.08 for more information about Year-end Packages.)

Signed by the ORIP Office Chief, the MPO and the District Director, the letter demonstrates concurrence of all involved parties.

After balance reconciliation, the MPO may amend its OWP to include some or all of this FHWA PL and/or FTA § 5303 carryover and the activities to be funded therewith. The OWPA must be amended accordingly, including the required local match.

4 ORIP-ADMINISTERED TRANSPORTATION PLANNING FUNDS

Of the various local, state and federal fund sources and types included in OWPs, this Handbook only addresses administration of federal Consolidated Planning Grant (CPG) and state Rural Planning Assistance (RPA). (See Chapter 3 for more information about CPG and Section 4.03 for more information about RPA.) ORIP also administers and monitors the following grant funds: Blueprint Planning Grant, FHWA State Planning and Research – Partnership Planning Element Grant and the FTA State Planning and Research, Section 5303 Grant. (See Chapter 3 for more information about the FHWA and FTA grants.)

The State Planning and Research (SP&R) Part 1 Regional Blueprint Planning Program Grant was initiated in 2005 and made \$5 million available to Metropolitan Planning Organizations in FY 2005/2006 and additional \$5 million available in FY 2006/2007. The Blueprint grant is a State initiative designed to (1) link land use, transportation, housing, environment, economic development, equity; (2) establish consensus on a preferred growth scenario; (3) a more efficient and effective transportation system; and (4) provide sufficient housing supply to accommodate population growth in each region.

The desired outcomes will:

- Improve mobility
- Reduce auto dependency and congestion
- Increase transit use, walking and bicycling
- Encourage infill development
- Accommodate sufficient housing supply
- Minimize impacts on farmland and habitat
- Establish process for public engagement in planning

The Regional Blueprint Planning Program Grants are managed by the Collaborative Planning Branch in ORIP and are administered through the OWPs.

4.01 Non-ORIP-Administered Transportation Planning Funds

Non-ORIP administered transportation planning funds are not covered by the regional transportation planning MFTA and the OWPA and their application and encumbrance procedures are not addressed in this Handbook. More information is available at the listed websites:

The Division of Aeronautics administers aviation planning funds:
<http://www.dot.ca.gov/hq/planning/aeronaut/>

Planning, Programming and Monitoring (PPM) funds are administered by Division of Local Assistance:

<http://www.dot.ca.gov/hq/LocalPrograms/>

Transportation Development Act (Local Transportation Fund and State Transit Assistance) funds are administered by the Division of Mass Transportation:

<http://www.dot.ca.gov/hq/MassTrans/>

When there is funding for non-CPG Division of Transportation Planning (DOTP) grants, e.g., Environmental Justice (EJ)/Context-Sensitive Planning or Community Based Transportation Planning (CBTP) grants, there will be a combined DOTP grant application solicitation package, which includes:

- FHWA State Planning and Research (SP&R) – Planning Partnership Element
- FTA § 5305 Elements
- Any other DOTP grant, e.g., Environmental Justice/Community Empowerment, Community Based Transportation Planning, etc.

Despite the combined grant application solicitation package, only ORIP-administered grants are encumbered through the regional transportation planning MFTA and the OWPA, and MPOs/RTPAs may only use the Request for Reimbursement (RFR) for ORIP-administered funds.

CBTP and EJ grant programs are discussed within this section. In 2006/2007, CBTP and EJ grants each made \$3 million of state funding available to MPOs/RTPAs. However, the Office of Community Planning and the Office of Policy Analysis and Research have been routinely working with District Staff to have local agency staff (MPOs/RTPAs, Cities, and Counties) make sure that awarded CBTP and EJ projects are included as either Work Elements or Information Elements in a region's OWP depending on the local match fund source. They have been working with other entities such as Tribal Governments, CBO's, universities, and other public entities to ensure that the projects are included in the OWP's Information Elements.

While information on these grants should be included in the OWP's, ORIP is not involved with the funding and administration of these grants.

4.02 Use of Transportation Planning Funds

As the name indicates, transportation planning funds (FHWA PL, FTA Section 5303 and State RPA) are to be used for transportation planning. They cannot be used for project development such as project initiation documents (PIDs), and project study reports (PSRs); or project implementation, such as rideshare activities or transit administration. For example, studying whether a traffic impact fee would benefit transportation in the region and even determining appropriate fee levels are acceptable uses, but implementation of the traffic impact fee program goes beyond planning and is not an acceptable use.

Some examples of eligible uses for transportation planning funds include:

- Development of regional transportation plans (RTPs), transportation improvement programs (RTIPs and FTIPs), needs assessments, corridor and corridor preservation studies, major investment studies; environmental compliance of RTPs and TIPs; involvement of federal permit and approval agencies early and continuously in the planning process.
- Adoption of policies and strategies to enhance movement of people, goods, services, and information; planning integration of intelligent transportation systems (ITS); and inclusion of multimodal solutions such as transit, bicycle, pedestrian and intermodal facilities in plans and programs.
- Coordination of transportation planning with land use, open space, jobs-housing, environmental, and growth management planning; smart growth/alternative scenario/context sensitive solution planning.
- Involvement of the public in planning activities, with periodic evaluations of outreach effectiveness; participation plan updates and enhancements; consensus building, and efforts to extend transportation planning to communities previously not engaged in the process; interagency consultation.
- Development of transportation planning, travel forecasting, and transportation-related air quality tools, models and modeling activities.
- Establishment and conduct of government-to-government formal consultation with Native American Tribal Governments.
- Ensuring compatibility of local, regional, statewide and interregional plans; and identification of mobility and access needs and system continuity within and between areas and regions.
- Preparation of Overall Work Programs, Overall Work Program Agreements, Amendments to OWPs and OWPAs, and planning Fund Transfer Agreements.
- Identification of ground transportation issues at and related to interstate and international border crossings, freight hubs, parks and recreation areas, monuments, historic sites, and military installations; closed military base reuse transportation issues; and ground access to seaports and airports.
- The study of methods to reduce vehicle travel and enhance mobility options.
- Identification of policies, strategies, and programs to preserve transportation facilities and optimize transportation infrastructure utility.

4.03 Rural Planning Assistance (RPA)

RPA is part of a line item in the State Budget, which ORIP annually allocates to the rural, non-MPO, RTPAs. RPA must be fully expended during the one-year term of the OWP. It can *not* be carried over from one state fiscal year to another. Expenses incurred prior to June 30 can be reimbursed for up to sixty days after June 30. (See Section 4.09 for more information about Year-End Packages.)

District staff should carefully track RPA since it lapses at the end of the state fiscal year. To preclude any RPA being lost, the Districts and ORIP should work with any RTPA

that cannot expend all its RPA. It is critical to free up such funds in a timely manner so other RTPAs can make use of any RPA funds that are in danger of lapsing.

4.04 25% Limit on use of RPA for Administrative Purposes

Not more than twenty-five percent of RPA money may be expended for the rural RTPA's administrative purposes. This limitation imposed on State Subvention funds, carries over to its successor, RPA. District staff should review the draft OWP for adherence to this limit.

To distinguish an "administrative use" from a "planning use", the District may need to request clarification from the RTPA, particularly if activities in the OWP are grouped into broad and generic categories.

For example the terms "clerical support" and "photocopies" might appear to be administrative. If, however, "clerical support" means mailing invitations to a transit planning round table meeting, this would be a component of a transit planning activity. Likewise, if "photocopies," means reproducing these mailers, this too would be a component of that same transit planning activity. District staff should work with the RTPA partners to ensure OWP language is sufficiently descriptive to avoid confusion.

4.05 Indirect Cost Negotiation Agreement and Cost Allocation Plan (ICAP)

If an MPO/RTPA wishes to receive reimbursement for indirect costs (i.e., overhead, which is defined as costs benefiting more than one work activity or causing disproportionate efforts to assign to specific work attributable to its planning program), it must submit an Indirect Cost Negotiation Agreement and Cost Allocation Plan (ICAP) along with a copy of last years Single Audit report to the Chief of External Audits, Audits and Investigations, with a copy to the Districts prior to May 1, for the fiscal year to begin July 1. Headquarters Audits and Investigations review the MPOs/RTPAs Single Audits and approved the MPOs/RTPAs Indirect Cost Negotiation Agreement and Cost Allocation Plan (ICAP) for those MPOs/RTPAs who request reimbursement for indirect costs.

It is the District's responsibility to ensure the MPO's/RTPA's proposed ICAP is sent to Headquarters Audits and Investigations (Audits), even though some MPOs/RTPAs may submit their ICAP directly to Audits. If the MPO/RTPA charges indirect costs in their RFRs, the District must ensure that an ICAP had been approved by Audits and that the proper Indirect Cost Rate is being applied. If the District is unsure if an ICAP has been submitted and/or approved, the District should contact the ORIP Fund Specialist.

Two ICAP references are Office of Management and Budget Circular A-87:

<http://www.whitehouse.gov/omb/circulars/a087/a087-all.html>

and Local Programs Procedure 04-10, LPP 04-10:

<http://www.dot.ca.gov/hq/LocalPrograms/lpp/LPP04-10.pdf>

The exhibits to LLP 04-10 include an ICAP worksheet. If the MPO/RTPA has questions about ICAPs, the District should direct them to Audits.

4.06 Requests for Reimbursement (RFRs)

Once the MPO/RTPA has an adopted and approved OWP, has a fully executed original OWPA filed with the ORIP Fund Specialist, and the State Budget has been signed by the Governor, the MPO/RTPA can request reimbursement for eligible OWP expenditures.

To be reimbursed for OWP work, the MPO/RTPA submits a Request for Reimbursement (RFR).

Unless the MPO's/RTPA's MFTA provides differently, RFRs may not be submitted more frequently than once per month and may not be submitted less frequently than quarterly.

ORIP has developed Request for Reimbursement forms for:

- MPOs seeking reimbursement for CPG funds
- RTPAs seeking reimbursement only for RPA
- RTPAs seeking reimbursement for § 5303 and/or SPR-Partnership Planning funds
- MPOs seeking reimbursement for Blueprint Planning Grant Funds

To assist the MPOs/RTPAs, the Districts, and ORIP to accurately monitor CPG expenditures, RFR forms are multi-page documents; page one summarizes the request and the subsequent page(s) provides supporting financial information. The RPA-only RFR does not require supporting financial information pages. Districts may also request supplemental information or documentation if there are concerns.

ORIP Regional Planning liaisons can provide electronic versions of these forms to the Districts.

The Appendix includes sample RFRs.

4.07 Timely District Review of RFRs

It is the District's responsibility to review all RFRs to ensure expenditures are bona fide, accurate, for eligible activities, for delivered products, and completed in accordance with work elements in the OWP.

For CPG and the Blueprint Planning Grant, the District also verifies that the RFR reflects the appropriate local match amount. (Section 3.05 provides information about local match). Please note, RFRs can not be approved for payment when there is no supporting documentation or the supporting documentation is not adequate. RFR's should contain invoices with supporting documentation (i.e. breakdown of labor costs, travel costs etc.) to support all costs requested for reimbursement. (Please refer to the Appendix for minimum required support documentation).

RPA and NON-FHWA PL RFR's:

For RPA and non-FHWA PL RFR's, the District will forward the RFR to the ORIP Fund Specialist for coding within 10 days after receipt in the District, to allow time further review and coding. The District (including coding through ORIP) has a total of 15 calendar days from date of receipt in the District to send the approved RFR to Accounting.

If there are problems with the RFR, within 15 calendar days from receipt in the District, the District must formally notify the MPO/RTPA, both by phone and in writing, of an error in the RFR (Section 4.07 provides information about Inaccurate RFRs).

Accounting has another 15 days to authorize payment and the State Controller's Office has fifteen days to issue the actual payment check. The maximum turnaround time on any non-FHWA PL RFR should not exceed 45 calendar days.

RFR Flow: The District date stamps and reviews the RFR for accuracy and, if accurate, faxes the RFR to the ORIP Fund Specialist who further reviews and codes the bottom of the RFR.

The ORIP Fund Specialist faxes the coded RFR to the District with a coversheet (Form 100) advising Accounting the coding is consistent with the processes agreed to between ORIP and Accounting. The District should make no changes to the Form 100 from the ORIP Fund Specialist. Accounting has directed its staff to only process RFRs that include the Form 100.

The District's Senior Transportation Planner whose unit is responsible for regional planning, and for OWP administration and monitoring, signs the RFR. If the District signs the RFR prior to it being faxed to the ORIP Fund Specialist, the District's signature affirms the District's agreement with, and approval of, the RFR. If

the District elects to sign the RFR only after the ORIP Fund Specialist provides coding information, the act of faxing the RFR to the ORIP Fund Specialist signifies the District's agreement with, and approval of, its content.

The District sends the RFR and the ORIP Fund Specialist's Form 100 to Accounting via interoffice mail or fax.

FHWA PL RFR's:

SAFETEA-LU, section 1107 amended 23CFR104(f), requiring that reimbursement for FHWA PL funds be not later than 30 days after the date of receipt. This change in 23CFR104(f) supersedes Assembly Bill 2275 (California Prompt Payment Act) and has required ORIP to institute a unique RFR process for RFR's that contain FHWA PL funds.

For FHWA PL RFRs, the District (including coding through ORIP) has a total of 7 calendar days from date of receipt in the District to send the approved RFR to Accounting.

If there are problems with the RFR, within 5 calendar days from receipt in the District, the District must formally notify the MPO/RTPA, both by phone and in writing, of an error in the RFR (Section 4.07 provides information about Inaccurate RFRs).

Accounting has 8 days to authorize payment and the State Controller's Office has 15 days to issue the actual payment check.

RFR Flow: The District date stamps and reviews the RFR for accuracy and, if accurate, faxes the RFR to the ORIP Fund Specialist who further reviews and codes the bottom of the RFR.

The ORIP Fund Specialist faxes the coded RFR to the District with a coversheet (Form 100), and Receiving Record (Form FA1226A) advising Accounting that the coding is consistent with the processes agreed to between ORIP and Accounting. The District should make no changes to the Form 100 and Form 1226A from the ORIP Fund Specialist. Accounting has directed its staff to only process RFRs that include the Form 100 and Form 1226A.

The District's Senior Transportation Planner whose unit is responsible for regional planning, and for OWP administration and monitoring, signs the RFR (Form 1226A). If the District signs the RFR prior to it being faxed to the ORIP Fund Specialist, the District's signature affirms the District's agreement with, and approval of, the RFR. If the District elects to sign the RFR only after

the ORIP Fund Specialist provides coding information, the act of faxing the RFR to the ORIP Fund Specialist signifies the District's agreement with, and approval of, its content.

The District sends the RFR, Form 1226A, and the ORIP Fund Specialist's Form 100 to Accounting, attn: Thao Nguyen via fax.

4.08 Inaccurate RFRs/Dispute Notification Form

Within 15 calendar days of receipt (5 days for FHWA PL RFRs), the District must notify the MPO/RTPA if the District finds an inaccuracy in an RFR. District staff works with the MPO/RTPA to correct any and all errors prior to forwarding an RFR to Accounting for payment. This involves both telephone and written communication with the MPO/RTPA. For example:

- District staff phones the MPO/RTPA to discuss the specific RFR concerns, *and*
- District staff makes a written record of both the specific concern and the phone conversation communicating the concern using Invoice Dispute Notification form STD 209.

Form STD 209 is a multi-copy NCR (no carbon required) form. Within 15 working days of receipt (5 days for FHWA PL RFRs) of the inaccurate RFR, the District must send the white and goldenrod copies to the MPO/RTPA. The white copy is for the MPO's/RTPA's file. The goldenrod copy is to be returned to the District with a corrected RFR.

If the District fails to adhere to the 15 working day (5 days for FHWA PL RFRs) mandated notice timeframe, the District is liable for paying interest on the RFR balance. To avoid this interest penalty, the District must document its communication with the MPO/RTPA about the inaccuracy in the RFR.

Copies of STD 209 are available from the Caltrans Electronic Forms System (<http://cefs.dot.ca.gov>).

4.09 Year-End Package

Within 60 days after June 30 (the state fiscal year), each MPO/RTPA must closeout the OWP through submittal of a Year-End Package. Please note, the "Year-End Package" should not be sent until all invoices for the fiscal year that just ended have been submitted.

MPO and RTPA CPG Recipients Year-end Package

The following documents make up the year-end package for the MPOs:

- A Certification of Expenditure by Fund Source that has been executed by an MPO entity who has specific signature authority from the Governing Board (usually the Executive Director or Finance Officer) and
- A Final Statement of Expenditures – a summary of the total amount of federal funds expended for a work element by fund source and type, i.e., FHWA PL and FTA § 5303. It must match the reported expenditures contained in the Certification of Expenditure by Fund Source.

ORIP and Accounting use the Certification of Expenditure by Fund Source to close the MPO's account for the fiscal year. This document is critical to enable Department to ensure FHWA PL and FTA § 5303 carryover balances are accurately credited to the MPO's account. (See Section 3.08 for information about CPG Balance Reconciliation.)

After the District has received the coded RFR marked "Final" from the ORIP Fund Specialist, they can then proceed to compile the year-end package. The District forwards the complete package to the ORIP Fund Specialist

The Appendix includes a sample Certification of Expenditure by Fund Source, including the Final Statement of Expenditures.

RTPA Year-end Package (RPA Funds Only)

For RTPAs who receive only RPA, the Year-End Package consists of the RTPA's last RFR clearly marked "FINAL". This is to advise Accounting that there will be no additional RFRs submitted for the OWP.

RTPA's that receive FTA 5305 or FHWA SPR Partnership Planning grants must prepare a Certification of Expenditure and a Final Statement of Expenditures.

Because RPA cannot be carried over from year-to-year, there is no reconciliation of RPA balances.

4.10 FTA § 5305 and/or FHWA SPR-Partnership Planning Grant Closeout Package

When MPO/RTPA recipients of FTA § 5305 and/or FHWA SPR-Partnership Planning grants have completed their grant-funded projects, they must close out those grants. This process follows the same steps as the MPO Year-end Closing.

The MPO/RTPA submits an RFR marked "FINAL", a Certification of Expenditure by Fund Source, including the Final Statement of Expenditures, executed by an entity who has specific signature authority from the Governing Board (usually the Executive Director or Finance Officer).

The District forwards the complete package to the ORIP Fund Specialist.

The Appendix includes a sample Certification of Expenditure by Fund Source, including the Final Statement of Expenditures.

4.11 Federal Grant Program Closeout (for FTA 5305 Transit Planning and FHWA Partnership Planning Funded work elements only)

When an OWP work element that is funded in part or wholly by FTA 5305 or FHWA Partnership Planning Federal funds is complete, the MPO/RTPA is required to submit two copies of the final work product to the District office. Upon receipt of the final work product, the District completes and signs the Grant program closeout report form (see appendix). In most cases the grant program closeout report form would be accompanied by the final quarterly monitoring report and final request for reimbursement invoice.

The District forwards the grant program closeout report form, one copy of the final product, and the final quarterly monitoring report form (see appendix) to the ORIP grant liaison. The final Request for Reimbursement follows the procedures identified in section 4.06.

The Appendix includes a sample grant Quarterly Progress Report and grant Close-Out Report

4.12 Annual MPO/RTPA Fiscal and Compliance Audit

As stipulated in the MFTA, and as a condition of receiving transportation planning funds, MPOs/RTPAs undergo an annual fiscal and compliance audit. This audit may be part of another audit, e.g. a federal or Transportation Development Act audit.

- The annual fiscal and compliance audit report must be submitted to the District within 180 days after June 30, i.e. by January 1st of the following calendar year.
- District staff reviews the audit report to ensure correct CPG and RPA planning funds amounts and uses.
- If the auditor identifies deficiencies in an MPO's/RTPA's accounting or administrative system, the MPO/RTPA and the District must work to develop a corrective action plan. The identified deficiencies will determine the corrective action needed. It may be straightforward, (e.g. increasing records retention to at least three years), or it may be more complicated, (e.g. developing a better accounting and monitoring procedure).
- The District may seek advice from the ORIP Fund Specialist or Regional Planning Liaison to assist MPO/RTPA develop the corrective action plan.
- The District must provide ORIP a copy of the corrective action plan.
- The District must monitor and evaluate resolution of any deficiencies and provide ORIP written progress reports.

For additional information, please see Office of Management and Budget Circular A-133: <http://www.whitehouse.gov/omb/circulars/a133/a133.html>

4.13 Audit Report Distribution

MPOs submit five audit copies and RTPAs submit three copies of the audit to the District.

Within 45 days after receipt, i.e. no later than February 15, the District shall distribute copies of the audit report as follows:

RTPAs:

- District retains one copy for review and reference
- District forwards one copy to ORIP
- District forwards one copy to Headquarters Audits & Investigations

MPOs:

- District retains one copy for review and reference
- District forwards one copy to ORIP
- District forwards one copy to Headquarters Audits and Investigations
- District forwards one copy to Headquarters Accounting
- District forwards one copy to:

FHWA CA Division

Sue Kiser

650 Capitol Mall, Suite 4 – 100
Sacramento, CA 95814

FTA Region IX

Ray Sukys

201 Mission Street, Suite 2210
San Francisco, CA 94105

Some MPOs/RTPAs submit their Audit Reports directly to FHWA/FTA and/or to Headquarters Audits and Investigations. It is the District's monitoring responsibility to ensure the Audit Report is submitted whether it is routed through the District or directly to FHWA/FTA and/or to Audits and Investigations at Department Headquarters, Sacramento.

4.14 Records Retention

As stipulated in the MFTA, the MPO/RTPA must retain all documents, books and records connected with the funds transferred to the MPO/RTPA, and performance requirements related to those funds. The retention period is three years from the date of the final payment to the MPO/RTPA or until audit resolution is achieved, whichever is later. In the event of multi-year projects, all records must be retained for a minimum of three years after the project's closeout year.

Like other conditions, record retention applies to the MPO's/RTPA's contractors and sub-contractors.

Additionally, if any action has commenced relative to said records (e.g., litigation, claim, arbitration, audit, negotiation, etc.) the records must be retained until completion of said action and resolution of all issues that arise from it.

Whether for three years or for a longer period, for as long as they are retained, records shall be available for inspection by state and/or federal representatives and requested copies shall be provided to them without cost.

A sampling of the kinds of records that need to be retained includes:

- OWPs, OWPAs, MFTAs, and any amendments
- Products, e.g., working papers, studies, plans, programs, models, etc.
- RFRs and Year-end Packages, fund tracking spreadsheets
- Billings, payable/receivable records, and financial summaries
- Certification of Expenditure by Fund Source, including the Final Statement of Expenditures
- Quarterly Progress and Expenditures Reports
- Contracting and procurement information and procedures, e.g., requests for proposal (RFPs), proposals received, contracts, consultant products, etc.

The above-described records retention period is the minimum

4.15 Electronic Submittals

In an effort to facilitate availability and accessibility to transportation partners and users, MPOs/RTPAs are requested to submit electronic versions of OWPs, RTPs, and other documents and information. After adoption, MPOs/RTPAs should submit electronic products to the Districts, which forward copies to ORIP. As appropriate, these will be posted on the ORIP website listed in Section 1.07. ORIP has implemented electronic formats of its tools and documents.

5 THIRD PARTY CONTRACTS

Some OWP work cannot be accomplished by MPO/RTPA in-house staff and will be contracted out, i.e., contractors or consultants will be hired to perform the work. The agreements between the MPO/RTPA and the contractors are referred to as “third party contracts”. Contracting out is also called consultant procurement. In this chapter, consult, consultant, contract, contractor, third party and third party contracts will be used interchangeably.

When work is contracted out, all state and federal compliance responsibilities of the MPO/RTPA apply to these consultants/contractors/third parties as they do to the MPO/RTPA. If portions of the work are further contracted out to subcontractors, the subcontractors are bound as well, i.e., any sub-recipient is bound.

If the MPO/RTPA passes CPG or RPA or any other state or federal funds through to their sub-regional agencies, third party contract procedures apply to any contracts, which the sub-regions let.

Contracted out work needs to be identified or labeled as such in the OWP and contracting out oversight is a District responsibility. District should monitor third party contracts throughout, from request for proposal (RFP) through closeout evaluation. (See Section 5.04 for Contract Review Points.)

Districts do not *approve* contracts or contract *language*. They should review executed third party contracts to ensure the scope of work addressed is approved work in the OWP.

The District oversight focuses on equitable contracting procedures and quality output by the MPO/RTPA, e.g., inclusive advertisement, solid requests for proposal, objective selection, sound cost accounting, timely delivery, quality results, and production of high quality work.

The District oversight may involve participation in the development of the contracted-for products, e.g., the District may be part of the working group which develops a public participation plan evaluation and adds enhanced outreach efforts to the plan update, or the District may provide data for alternative scenario planning or needs assessments, or the District may participate in creation of the regional transportation plan, the bike plan, the long range transit plan, corridor studies, etc. (See Section 5.04 for contract review points.)

MPO's should provide copies of contracts and related executed amendments to the District prior to reimbursing the MPO for costs incurred on those contracts.

5.01 Open and Competitive

Consultant procurement always needs to be done in an open and competitive manner, which is inclusive, and includes certified Disadvantaged Business Enterprises (DBEs); the best quality work at the fairest price. (See Section 5.06 for more about Disadvantaged Business Enterprise.)

5.02 Contracts Smaller Than \$100,000

According to the delegation of authority for Director's Orders, approving RTPA and MPO third party contracts, up to \$100,000, funded with Federal Local Assistance Planning funds has been assigned to the Districts for approval. Third party contracts for less than \$100,000 (also referred to as Personal Services Contracts or Small Purchases Procedures) may be awarded through a fairly informal procedure where price or rate quotations are obtained from an adequate number of sources.

This \$100,000 amount is a cumulative limit for services procured of any individual consultant or consulting firm on a contract or procurement document. This means that if an existing contract or procurement, which was procured using an informal procurement procedure, is to be amended for additional funds that will result in the contract being in excess of \$100,000 a new procurement is necessary.

Price or rate quotations shall be obtained from qualified available sources. Generally, this means a minimum of three consultants or vendors should be solicited for quotes. For these smaller contracts, the MPO/RTPA must prepare and retain the following information, in addition to other contracting documents to support the procurement:

- An explanation of the services needed from the consultant and why the MPO/RTPA staff cannot provide them
- Documentation indicating which firms or consultants have been contacted and whether they were interested in providing price or rate quotations
- Copies of the written price or rate quotations and proposals
- The name and qualifications of the consultant who provided the services and a copy of the contract
- Documentation of the fees, showing how the fee was calculated and that it is reasonable by comparative standards

5.03 Contracts for \$100,000 or More

Third party contracts for more than \$100,000 must be awarded through the procedures described in detail in Chapter 10 of the *Local Assistance Procedures Manual* and in Local Program Procedure 00-05, *Revised Pre-award Audit Requirements and Consultant Procurement* (LPP 00-05).

<http://www.dot.ca.gov/hq/LocalPrograms/lpp/LPP00-05.pdf>

Contracts larger than \$250,000 must also satisfy the pre-award evaluation requirement described in LPP 00-05. If there is unfamiliarity with the consultant or uncertainty about the consultant's fiscal capability, pre-award evaluations may be advisable or required for smaller contracts. (See Section 5.02 and LLP 00-05.)

5.04 Seven Contract Steps

The contract process has seven steps:

- Determination that the work can best be accomplished by a consultant
- Selection of the appropriate contracting method
- Development of a request for proposal (RFP), request for qualifications or invitation for bid (this will depend on the contracting method chosen)
- Advertisement for project to solicit bids or proposals
- Consultant selection and contract negotiation
- Contract approval and execution
- Contract performance monitoring, evaluation, and closeout

5.04.a Determination of How to Best Accomplish the Work

In determining whether work activities are to be performed by staff or consultants, the MPO/RTPA must assess its needs and staff resources: Is contracting the most cost-effective and efficient way to get the work done? A consultant contract should only be pursued if use of in-house staff is not a practical option.

Like work performed by in-house staff, transportation planning contract activities, products, schedule and funding need to be shown in the MPO's/RTPA's OWP. They need to be identified as contracted out consultant work.

5.04.b Contracting Methods

There are several consultant selection processes, e.g., sealed bid, competitive proposals (also called competitive negotiation), and non-competitive proposals (also called sole source). Competitive negotiation process using Requests for Proposals (RFPs) is most commonly used for transportation planning work.

Sealed bid/lowest cost contracting is appropriate for construction contracts, or procurement contracts (e.g., office supplies and equipment). Transportation planning third party contracts require competitive selection.

Personal Services Contracts, i.e., smaller contracts for less than \$100,000, may be awarded after consideration of price or rate quotes from at least three different consulting entities, whenever possible. As stated above, contracts exceeding \$100,000 (individually, including any amendments or augmentations, or a series of smaller contracts with one consultant or consulting firm, which together total more than \$100,000) require a competitive procurement process be used.

Because sole source contracts can only be pursued if one of the following is demonstrated, sole source contracting conditions rarely apply to transportation planning work:

- Only one contractor is qualified to do the work
- An emergency exists of such magnitude that delay cannot be permitted
- Competition is determined to be inadequate after solicitation of a number of sources

If a sole source contract is pursued, the MPO/RTPA needs to assure the contract expectations are clear (e.g., scope of work, tasks, schedules, products, evaluation criteria, conflict resolution, etc.) and the cost is fair and reasonable. The special conditions, which necessitate sole source, must be documented and provided to the Department for review and approval prior to the award of the contract. All supporting documentation must be retained and available for review by Department and/or FHWA/FTA. (See Section 4.13 for more information about Records Retention.)

5.04.c Development of the Request for Proposal (RFP)

RFPs should be widely publicized to elicit responses from all capable candidates, and to select the most-qualified candidate to deliver the best product at the most reasonable cost, consistent with legal and fair competition requirements.

RFPs should be advertised in newspapers, trade journals and newsletters, posted on the internet, and innovative outreach efforts should be pursued to ensure the most complete participation of potential contractors, including disadvantaged business enterprises and community based organizations. Existing bidder-list direct mail recruitment is not sufficient.

An RFP package with well-defined expectations should include specifications such as, tasks, products, schedules, available resources, as well as performance evaluation and conflict resolution particulars. The proposal evaluation criteria should be described and all requirements for the final contract should be stipulated.

A complete RFP package should include, for example:

- All applicable dates, e.g., briefing dates, filing deadlines, and contract completion. The filing period should allow prospective bidders sufficient time to put together a complete and viable proposal package.
- Background and outline of the study area or topic
- Statement of required proposal content, e.g., methodology or approach, staffing and duties, qualifications, schedule, deliverables, and budget
- Identification of all state and federal requirements, e.g., federal debarment and suspension certification, non-discrimination/non-harassment practices, drug-free workplace, non-lobbying assurances,

records retention, product delivery, invoicing, hold harmless and/or indemnification conditions, etc.

- Confidentiality of bidder information, if applicable
- Listing of proposal evaluation criteria (including relative importance or weighting) and description of the selection process
- A pro forma proposed contract, which lists all applicable state and federal requirements

See LPP 00-05 for more information.

5.04.d Consultant Selection and Contract Negotiation

Selection of the consultant and the development of the contract is a multi-step process. After the RFP has been developed, consultant selection and contract negotiation can proceed. This four-step process can be outlined as follows:

- Proposal evaluation team selection. This should occur prior to the receipt of the proposals, preferably during development of the RFP.
- Review of submitted proposals using the evaluation criteria set forth in the RFP.
- Top candidate interviews. Oral presentations are an effective method to confirm consultants' understanding of MPO/RTPA needs and the consultant's qualifications in the subject area.
- Contractor selection and completion of negotiable parts of the contract.

There is no requirement to award a contract if none of the proposals is competitive, i.e., if the cost is not reasonable and/or if none of the bidders is qualified to do the job.

If the contract exceeds \$250,000, a pre-award evaluation must be completed prior to entering into the contract. (See Section 5.02)

5.04.e Contract Approval and Execution

Contract approval and execution are the final steps in the RFP process. MPOs/RTPAs should prepare a contract approval package available for Department review. The MPO's must provide executed copies of contracts and related executed amendments to the Districts for its records prior to reimbursing the MPO for costs incurred on those contracts.

This package should include:

- A cover letter -- name of the contractor, purpose and summary of the contract, applicable OWP work element (s), contract amount and funding sources, procurement method.

- A review of the selection process -- bidder recruitment methods, listing of proposals received, summary of the proposal evaluation process, a copy of proposal scoring summary.
- Two complete copies of the final executed contract (i.e., work plan or scope of work, project staff, schedule and deliverables, and contract budget), including all exhibits.
- A copy of the original proposal of the successful bidder.
- A copy of the Request for Proposals package, with cover letter.

Districts should review contract packages relative to inclusive bidder recruitment, clear scope of work, deliverables schedule, contract budget and personnel exhibits, and consistent with the review points listed in Section 5.04 and LPP 00-05.

5.04f Contract Monitoring and Evaluation

Obviously no work can be done prior to there being an approved and fully executed contract. When contract work proceeds, the District monitors progress in a manner similar to tracking OWP work elements activities, and OWP Quarterly Progress and Expenditure monitoring. For example, the District attends relevant meetings, reviews deliverables for content and timeliness and checks Requests for Reimbursement (RFRs) to assure they are supported with billings.

As work progresses, the District routes deliverables within the Department for information, and solicits comments to provide to the MPO's/RTPA's consultant, as appropriate, on draft products.

RFRs should not be approved unless the District has invoices and supporting documentation. Although District staff may have considerable familiarity with the MPO's/RTPA's business practices, particulars of the consultant contract, and the consultant's progress, approval of RFRs without invoices and supporting documentation is prohibited. Since the Districts are considered contract managers it is expected that all RFRs contain invoices and supporting documentation. RFRs cannot be approved for payment without invoices and relevant supporting documentation. It is important to maintain objective procedures relative to all MPOs/RTPAs, and it is important to have complete files for audit purposes.

Sections 4.05, 4.06 and 4.07 describe RFR approval and dispute procedures.

Supporting documentation for RFR's are outlined in the MPO MFTA's. In order to have complete files for audit purposes, one of the requirements is to have invoices and relevant support that is retained for three years after final payment under the contract.

District staff should document its contract monitoring activities in a log, journal or calendar, in the contract file. Contract files may be paper or electronic. (See also Section 4.11 Records Retention)

5.05 Pre-Award Evaluations

If a pre-award evaluation is required, it must be completed and indicate satisfactory capabilities before the MPO/RTPA enters into a contract with the consultant.

For contracts of \$250,000 or more, a pre-award evaluation is always required.

For contracts *less* than \$250,000, a pre-award evaluation is required if one or more of the following conditions exists:

- There is inadequate knowledge about the consultant's accounting procedures
- There has been a previous, unfavorable experience with the consultant's estimating or accounting methods
- The MPO/RTPA or the consultant requests an audit
- The MPO/RTPA has no history of using consultants and Department deems it prudent

District or ORIP staff may request a pre-award evaluation to forestall potential problems.

Headquarters Audits and Investigations, an audit firm hired by the MPO/RTPA, or MPO/RTPA in-house staff with audit expertise may perform the pre-award evaluation. The evaluation's focus is the consultant's accounting, estimating and administrative systems, proposed costs and quantities, and financial conditions, etc.

5.06 Disadvantaged Business Enterprise (DBE)

Effective May 1, 2006, Caltrans has implemented a race neutral DBE Program. In the past, all contracts using federal funds were required to allow a percentage of the overall contract are awarded to a DBE firm. A recent court decision mandated that evidence of discrimination in the transportation contracting industry must be documented in order to implant a DBE race conscious program. Pursuant to 49 Code of Federal Regulations (CFR) Part 26.5 a race neutral measure or program is one that is used to assist all small businesses. Race neutral measures focus on developing the business practices of all small businesses. The federal planning funds that will be impacted are:

- FHWA metropolitan planning (PL)
- FHWA partnership planning grants
- FTA 5303 metropolitan planning
- FTA 5305 (formally 5313[b]) transit planning grant funds

All four funding programs make up the CPG. State planning funds such as RPA are not impacted by this new race neutral DBE program. The new DBE program will not impact any of the federal CPG planning funds mentioned above that are used directly (such as for staff time) by the MPOs/RTPAs.

The race neutral DBE program will impact contracts awarded to outside contractors (sub-recipients) by the MPO/RTPA when CPG funds are used. Effective May 1, 2006, Caltrans planning staff will need to ensure that any outside MPO/RTPA contracts awarded using CPG does not include any DBE target requirements. There is no penalty for subcontracting with a DBE under the race neutral program.

Changing from a race conscious to a race neutral DBE program does not have retroactive application, so contracts executed and approved prior to the effective date of May 1, 2006, with race conscious DBE contract participation goals are not affected by the new race neutral DBE program. In terms of contract monitoring, those prime contractors or prime consultants that were awarded contracts with race conscious DBE participation goals would still be required to meet those goals during performance of the contract. The request for DBE substitution process would also remain for the term of those contracts. The adoption of a race neutral program does not relieve contractors from reporting DBE utilization. The DBE race neutral measures do not change federal requirements to report DBE commitments at contract award and DBE final utilization at contract completion.

To obtain more information on DBE race neutral measures look at U.S. Department of Transportation, 49 Code of Federal Regulations (CFR), Part 26, and the FHWA guidance dated December 21, 2005.

There is an expectation that the Districts will be monitoring DBE compliance. For more information on DBE Race Neutral Program Implementation, please see the Local Programs Procedures 06-01 Manual Update at:

<http://www.dot.ca.gov/hq/LocalPrograms/lpp/LPP06-01.pdf>

5.07 RFP Review Points

Each RFP is different, but the following list includes fairly typical RFP review categories and points:

Selection Procedures

- ☐ Description of need for consultant
- ☐ Records of publication of RFP and other solicitation efforts
- ☐ Candidate qualifications and evaluation criteria
- ☐ Documentation of selection steps
- ☐ Evaluation of DBE efforts (when applicable)
- ☐ Plan to monitor work

Consultant Agreement

- ☐ Date of agreement
- ☐ Names, addresses, and other identifying data of agreeing parties
(complete name and address of each party to the agreement, including the legal status [e.g., individual, corporation, partnership, etc.], address where work is available for inspection)

- ❑ Name of contract administrator
- ❑ Work to be done (include any data, etc., MPO/RTPA will provide) and work schedule
- ❑ Deliverables and delivery schedule (including number of copies when applicable and what constitutes completion)
- ❑ Schedule, e.g., effective date of contract, commencement of work, milestones, deliverables, completion
- ❑ Method of payment (whole or progress, what milestones for progress)
- ❑ Records retention (See Section 4.13)
- ❑ Contract cost principles and procedures (must specify 48 CFR, Chapter 1, Part 31)
- ❑ Covenants against contingent fees (If federal funds are used, the following must be included: "The consultant warrants that s/he has not employed or retained any company or person, other than a bona fide employee working for the consultant, to solicit or secure this agreement, and that s/he has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or formation of this agreement. For breach or violation of this warranty, the MPO/RTPA shall have the right to annul this agreement without liability, or at its discretion to deduct from the agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.")
- ❑ Ownership of deliverables (become the property of the MPO/RTPA)
- ❑ Copy rights (if consultant is permitted copy rights, the agreement must provide FHWA/FTA and Department shall have the royalty-free non-exclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the work for government purposes)
- ❑ Changes in work (mutually agreed to, plus provisions for resulting schedule and cost changes)
- ❑ Delays/extensions (appropriate time adjustment in instances of unavoidable delays and warranted adjustments in payment)
- ❑ Termination or abandonment (ownership of completed or partially completed work, basis for payment in the event of termination; including conditions for termination due to default and circumstances beyond the control of the contractor)
- ❑ Remedies (administrative, contractual or legal remedies for violation or breach of contract, citing sanctions and penalties)
- ❑ Disputes (procedures to resolve disputes)
- ❑ Responsibility for claims and liability (hold harmless provisions for all levels of government from all claims and liability due to the negligent acts of the contractor and/or its subcontractors, agents or employees)
- ❑ General compliance with laws and wage rates (requirement for contractor to comply with all federal, state and local laws and ordinances applicable to the work, including compliance with prevailing wage as per California Labor Code, Section 1775, if applicable)
- ❑ Subcontractors, assignment and transfer including prohibition against subcontracting, assignment or transfer of any work, except as provided in the agreement.

- ❑ Conclusions, i.e., customary closing provisions included in MPO's/RTPA's contracts
- ❑ Signatures
- ❑ Certifications of consultant and agency (as per the covenants against contingent fees)
- ❑ Cost price proposal (per consultant team member by hours, rate and total; indirect cost rate; direct costs of equipment, supplies, other by quantity, unit cost and total profit and total cost).

Other review points:

- ❑ Is the consultant qualified to do business in California (e.g., a California corporation or partnership or agent for service of process filed with the Secretary of State)?
- ❑ Is there a drug-free work place certification?

If the contract is for \$5,000 or more, does the contract include the following certification: The prospective contractor's signature affixed hereon and dated shall constitute a certification, under the penalty of perjury under the laws of the State of California, that the bidder/proposer has, unless exempted, complied with the nondiscrimination program requirements of Government Code Section 12990(a-f) and Title 2, California Code of Regulations, Section 8113.

6 REGIONAL TRANSPORTATION PLAN (RTP)

Both state and federal law require regional agencies to develop a regional transportation plan (RTP). Called variously a metropolitan transportation plan (MTP) and a long range plan in federal law, the RTP is a comprehensive, 20+ year vision of the region's transportation system. It identifies problems, includes regional growth projections, and suggests mobility proposals to accommodate growth and maintain regional quality of life. The RTP must be fiscally constrained. If the region is a federally designated air quality non-attainment or maintenance area, the RTP must conform to the State Implementation Plan (SIP), the state's plan to achieve Federal air quality standards. (See Sections 6.03 Fiscally Constrained and 6.04, Air Quality Conformity.)

Like the OWP, the RTP is developed by the MPO/RTPA in concert with the transportation partners in the region, in consultation with public and private groups, transit operators, natural resource agencies, conservation agencies, non-profit organizations, historic preservation groups, freight transportation stakeholders, environmental protection and land use management agencies, Native American Tribal Governments, and with full public involvement. District regional transportation planning is a key member of the RTP development team (e.g., as technical committee and/or working group member, as a provider of data, etc.) and it is District staff's responsibility to assure Department's interests and priorities are represented and advocated as the RTP is developed. This chapter describes the District's interaction with MPOs/RTPAs as they develop and adopt the RTP.

6.01 *The RTP Guidelines*

State and federal RTP statutes are the basis for the California Transportation Commission's (CTC) *Regional Transportation Plan Guidelines* and the *2003 Supplement*. The latest *RTP Guidelines*, adopted by the CTC in December 1999, were drafted by a task force composed of transportation planning partners and are updated as needed.

The intent of the *RTP Guidelines* is to promote:

- Integrated, statewide, multi-modal, regional transportation planning and set forth a uniform regional transportation planning framework throughout California;
- Transportation planning which supports decision-making, and which is done in consultation with Native American Tribal Governments;
- Continuing, cooperative, and comprehensive (3C) transportation planning that facilitates the rapid and efficient development and implementation of projects while maintaining California's commitment to public health and environmental quality; and
- Planning which integrates the public into decision-making by using various forms of media and enhancing public engagement with new and innovative visualization techniques, when applicable.

The *RTP Guidelines* are the comprehensive RTP reference manual. They are posted on the ORIP website at: <http://www.dot.ca.gov/hq/tpp/offices/orip/rtp/rtp.htm>.

6.02 RTP Purpose and Contents

The RTP shall achieve a coordinated and balanced regional transportation system, including, but not limited to, transit, road/highway, railroad, maritime, bicycle, pedestrian, goods movement, and aviation facilities and services. It shall be action-oriented and pragmatic, address system maintenance and preservation as well as expansion, and consider both short-term (+/- 10-year) and long-term (20+ year) time periods.

It should be internally consistent and should clearly describe the planning and financial assumptions and strategies, and the methodology used to analyze and prioritize transportation improvements. All projects in transportation improvement programs (TIPs) should clearly flow from the RTP's Policy, Action, and Financial Elements. It should be externally consistent and recognize and/or incorporate, as appropriate, other adopted plans and programs that impact the regional transportation system, including the state level complement to the RTP, the California Transportation Plan. (See Section 6.06)

To be programmed in a Federal Transportation Improvement Program (FTIP), a project in an area with a MPO must first be included in an adopted, conforming RTP. (See Section 6.04 for more information about "conforming".)

The RTP shall include the following components:

- A Policy Element that reflects the mobility goals, policies and objectives of the region.
- An Action Element that identifies programs and actions to implement the RTP.
- A Financial Element that summarizes the cost of implementing the RTP within realistic financial assumptions, i.e., a financially constrained environment.

The RTP should also include the following:

- An Executive Summary that provides a regional perspective, and identifies the transportation priorities, challenges and objectives to be achieved.
- A Needs Assessment that facilitates project development. Part of the assessment should be transportation system outcome performance objectives and measures.
- References to regional environmental issues.

If the region includes a primary air-carrier airport (i.e., more than 10,000 enplanements annually) the RTP must also include an Airport Ground Access Improvement Program.

State legislation, Statute 1997, Chapter 622, SB 45, specifies projects included in the Interregional Transportation Improvement Program (ITIP) shall be coordinated and consistent with the RTP.

Six key points from the 1999 *RTP Guidelines* and the 2003 *Supplement* are the need:

1. To define a set of program level transportation system performance measures
2. For better project identification and to more clearly discuss plan-level purpose and need of RTP alternatives, strategies and projects
3. To indicate funding priorities and implementation procedures for local road and transit maintenance and rehabilitation
4. For more cooperative planning and programming of capital and operational improvements on the interregional system through the RTPs and the regional transportation improvement programs (RTIPs)
5. To carry out a participation plan, public meetings are to be; conducted at convenient and accessible locations and convenient times, employ “visualization” techniques to describe plans, and make public information available in an electronically accessible format, such as the Web
6. The Plan is to be published and made available electronically for the life of the Plan

Some federal RTP requirements are:

- MPO RTPs are to be updated every four years in non-attainment and maintenance areas, and every five years in attainment areas. RTPA RTPs are to be updated every five years.
- Consistency with Title VI of the Civil Rights Act of 1964, and with environmental justice
- Actions needed to meet the Americans with Disabilities Act (ADA) of 1990
- A public participation plan, in consultation with interested parties, which is inclusive, particularly for traditionally underserved and underrepresented groups. The plan should be periodically evaluated, enhanced and updated in a public involvement setting
- A short-term (10-year) and a long-term (minimum 20-year) time horizon
- Analysis of the RTP’s likely social and environmental effects upon housing, employment, community development, land use, central city development goals, etc.
- Air quality conformity in non-attainment areas
- Fiscal constraint
- Assessment of the effectiveness of the public participation process and the equity of the transportation proposals on all components of the community
- Documentation of formal consultation with Native American tribal governments and consideration of their transportation needs

- Consult, as appropriate, with agencies and officials responsible for other planning activities that are affected by transportation, including comparing plans, maps, inventories, and planning documents developed by other agencies

Key environmental concerns should be identified in the planning phase, commensurate with the data available. The plan-level purpose and need in the RTP should serve as the foundation for subsequent activities, e.g., scenario planning, alternatives analysis and project approval. Minor projects can be grouped into a “programmatic” statement of purpose and need, corresponding to the level of detail at this stage.

6.02a Safety Considerations in the Regional Transportation Plan

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), signed into law on August 10, 2005 requires each state to develop and implement a Strategic Highway Safety Plan (SHSP). This legislation established a new core Highway Safety Improvement Program (HSIP) to reduce highway fatalities and injuries. As required under SAFETEA-LU, the California Department of Transportation (Caltrans) will lead the effort to develop the State’s safety plan. SAFETEA-LU requires each state to have a SHSP signed and in place by October 1, 2007 in order to receive a fully apportioned share of federally allocated transportation funds. The MPOs/RTPAs have participated in the development of the SHSP through Stakeholder Committee meetings.

The SHSP identifies California’s key safety needs and guides investment decisions to achieve significant reductions in fatalities and injuries on all public roads in California. The SHSP provides a framework for all highway safety agencies in California to work together to align and leverage its collective resources.

The California SHSP builds on existing safety programs and provides a comprehensive framework for data driven decision-making, utilizing Engineering, Education, Enforcement, and Emergency Medical Services resources (collectively referred to as the four “E’s”)/ The SHSP established statewide goals, objectives, and key emphasis areas in consultation with Federal, State, local and private sector safety stakeholders.

Each MPO/RTPA should coordinate its regional transportation planning activities with the SHSP to reflect cohesive efforts at improving regional and statewide safety for all users and workers, through projects and programs aimed at all transportation modes. RTP updates should contain a discussion of safety coordination and how safety improvements are incorporated in projects and programs.

6.03 Fiscally Constrained

The need to “fiscally constrain” the RTP was part of the ISTEA of 1991 and SAFETEA-LU of 2005. This means making an estimate of reasonably anticipated transportation funding over the 20+year life of the RTP and limiting estimated expenditures for projects to this amount.

The estimate of anticipated transportation funding should stipulate the assumptions, strategies, etc., that were used to arrive at the estimate. Additional revenue sources, e.g., bonds or sales tax measures, may be included in the long-term funding estimate if there is a specific affirmative action on the part of the jurisdictions which commits them to pursue these sources.

Although SAFETEA-LU maintains financial constraint requirements, it allows inclusion of “illustrative projects”/un-constrained projects, i.e., projects that would be in the RTP if additional revenues were available, but there is no requirement to identify such revenues. Illustrative projects do not have the same status as projects that are financially constrained. They are not included for air quality conformity purposes and they cannot be programmed directly into the transportation improvement program (TIP).

6.04 Air Quality Conformity

The U.S. Environmental Protection Agency, under the Federal Clean Air Act (42 USC 7401 et seq), establishes national ambient air quality standards (NAAQS) for various “criteria pollutants,” including ozone, carbon monoxide, nitrogen dioxide, and particulate matter (less than or equal to 10 and 2.5 micrometers in size). Areas where the ambient air quality does not meet one or more of the NAAQS are termed nonattainment. For some pollutants, including ozone, carbon monoxide, and particulate matter 10 micrometers in size and smaller, the severity of nonattainment is graduated, as are the required remedial measures.

States with nonattainment areas are required by the Clean Air Act to prepare plans called State Implementation Plans (SIPs) that outline actions needed to attain or, after redesignation from nonattainment to attainment, maintain the NAAQS. In nonattainment and maintenance areas, RTPs and TIPs prepared by Metropolitan Planning Organizations must conform to the SIP, as provided in 42 USC 7506(c). In addition, all projects in nonattainment and maintenance areas must conform to the SIP under this Clean Air Act provision, whether or not they are in a metropolitan planning area.

The conformity process for transportation planning, programming, and projects is administered by the Federal Highway Administration and Federal Transit Administration based on US Environmental Protection Agency regulations at 40 CFR 93 Subpart A (Transportation Conformity), and related provisions of Federal Transportation law (SAFETEA-LU) and planning regulations (23 CFR 450). The process is designed to

ensure that Federal funding and approvals are only given to transportation activities that are consistent with air quality goals.

Conformity analysis generally includes modeling of existing and anticipated transportation system emissions based on travel demand model results, and comparison of those emissions to "emission budgets" that are essentially caps on the amount of allowable transportation system emissions at various times in the future. Conformity is demonstrated for a RTP or TIP by meeting emission budgets where they are available or meeting other "interim" emission tests, by implementing transportation control measures that are specified in the SIP, and by meeting other documentation and analysis requirements related to specific pollutants and procedures.

The RTP, in order to support a conformity analysis, must be project-specific, identifying the design concept (type of facility), scope (length and capacity of facility), and schedule (for opening to the public) in sufficient detail to allow its effects on Vehicle Miles Traveled (VMT), speeds, and emissions to be determined through travel demand and emission modeling. The RTP must also be "financially constrained" -- the conformity analysis can include only those projects that can be implemented with "reasonably available" funding. The RTP and the conformity analysis normally must cover at least 20 years from the year in which the analysis occurs, so common practice is for regular RTP updates to cover 25 years or more, allowing intermediate amendments and TIP actions to rely on the much of the previous emission analysis.

SAFETEA-LU provides options for a shorter conformity analysis period for RTPs -- as short as 10 years in some cases -- but limitations on those options prevent their use in most of California. The TIP, ideally, simply programs actual funding to implement the projects in the first 3 to 5 years of the RTP. SAFETEA-LU requires TIP updates at least every 4 years.

Conformity analysis requires documenting "planning assumptions" including land use, growth, and other "socio-economic" assumptions that drive travel demand and emission modeling, as well as meeting specific interagency consultation requirements. In Moderate and worse ozone areas, the socio-economic assumptions must be validated against historical trends. The transportation plan alternatives must be consistent with land use projections.

As for RTPs and TIPs in general, SAFETEA-LU specifies a new update cycle for regional conformity determinations. Regional conformity determinations (for the RTP) must be done not more than 4 years apart. Normally, the conformity determination cycle coincides with the RTP update cycle. Prior to passage of SAFETEA-LU, the basic conformity update cycle, like the RTP cycle for MPOs, was 3 years.

Where an area subject to conformity requirements is a MPO, the conformity analysis is performed and approved by the MPO. A conformity determination must accompany most RTP actions by the MPO. The conformity determination is submitted directly to the Federal Highway Administration and Federal Transit Administration by the MPO for final approval; the Department is not directly involved in the conformity approval process for MPOs other than as an Interagency Consultation partner.

If an area subject to conformity is not within an MPO, the RTPA must enter into an agreement with an adjacent MPO in the same nonattainment or maintenance area to perform the conformity analysis, or if there is no MPO within the nonattainment area the Department is responsible for providing a conformity analysis to the Federal Highway Administration and Federal Transit Administration for projects that require a conformity determination. In the latter case, the RTPA may enter into an arrangement with the Department to share in the process of performing the required analysis, such as providing results of travel demand and emission modeling and lists of projects applicable to the necessary analysis periods.

While not generally required for the RTP, a "hot spot" analysis must be done for project approval where carbon monoxide or particulate matter is an issue; this is usually done as part of the project-level conformity analysis that accompanies the NEPA document for projects in conformity areas.

In addition to other public and agency involvement requirements, areas subject to conformity requirements must have an Interagency Consultation process for conformity. The criteria for Interagency Consultation are found in the EPA Transportation Conformity Rule at 40 CFR 93.105, and may be supplemented with region-specific requirements (such as identifying specific participating agencies) through air district rules, MOA/MOU documents among affected agencies, and the Conformity SIP describe in 40 CFR 51 Subpart T. The consultation process is normally managed by the MPO, but may be managed by other agencies (such as the air district) by agreement. In rural conformity area without MPOs, Caltrans is nominally responsible for managing the Interagency Consultation process for conformity. The draft conformity analysis must be released for public review at the same time that the draft RTP is released. Normally, Interagency Consultation regarding the RTP and its associated conformity analysis must be completed prior to starting the public review period.

Conformity requirements are based entirely on the Federal Clean Air Act, and are separate from the CEQA process. Other analysis requirements, based on the California Environmental Quality Act (CEQA - Public Resources Code 21000 et seq) and related Guidelines (14 CCR 15000 et seq), apply to CEQA documents for RTPs. See Section 6.09 for more information.

6.05 The RTP Should Be Consistent with Other Plans in the Region

The RTP must be consistent with other plans and programs of regional significance. For example, there should be discussion on how projects are developed in the RTP:

- Support local land use and population projections
- Are sensitive to identified environmental concerns
- Address economic development, freight transportation, and social equity

Some examples of plans/programs with which the RTP must be consistent are:

- Local general plans, particularly the housing and circulation elements
- Congestion management programs
- Transit, bicycle and pedestrian plans
- Significant redevelopment plans, specific plans for development of large areas of the community, and development agreements for large projects
- Local and regional airport plans (Airport Master Plans, Airport Land Use Plans, Comprehensive Land Use Plans, Regional Aviation System Plans)
- Regional goods movement strategy documents
- State level plans, including the California Transportation Plan

6.06 Department Plans which Impact RTPs

Plans prepared by the Department staff in the Districts and in Headquarters and work done by MPOs/RTPAs complement one another. Among the Department plans to consider are:

California Transportation Plan (CTP): The CTP is a long-range transportation policy plan that provides a common framework to guide decisions and investments by all levels of government and the private sector on the State's multi-modal transportation system. The CTP is developed in collaboration with partners, stakeholders, and system users, presents a vision for California's future transportation system, and defines goals, policies, and strategies to reach the vision.

As part of a continuing, cooperative, and comprehensive statewide planning process, the CTP is developed in consultation with the State's regional transportation planning agencies, is influenced by the regional planning process and provides guidance for developing future RTPs. RTPs should be consistent with and implement the vision and goals of the CTP. As defined by State statute, the CTP is not project specific.

The CTP fulfills State (Government Code Section 65070 et seq.) and Federal requirements (Title 23, USC, Section 135 and 23 CFR Section 450.214) for the preparation of a statewide transportation plan. It has no statutory update schedule and is revised or updated as needed. The CTP is approved by the Governor (or the Secretary of Business, Transportation and Housing) and submitted to the Federal Highway Administration and the Federal Transit Administration.

California Aviation System Plan (CASP): Prepared by the Department every five years as required by Public Utilities Code 21701, the CASP integrates regional aviation system planning on a statewide basis. The aviation component of the RTP should be consistent with the CASP. If there is a commercial airport in the region, ground access shall be addressed.

Interregional Transportation Strategic Plan (ITSP): The ITSP describes the framework in which the Department will carry out statewide Interregional Improvement Program (IIP) responsibilities and how it will program the Interregional Transportation Improvement Program (ITIP). There is a direct relationship between the ITSP and the ITIP, the RTP and the Regional Transportation Improvement Program (RTIP); and between the ITIP/RTIPs and the State Transportation Improvement Program (STIP.) There is also a direct relationship between all these and federal transportation improvement programs, the MPOs' Federal Transportation Improvement (FTIP, called a Metropolitan Improvement Program [MTIP] by some MPOs) and the state's Federal State Transportation Improvement Program (FSTIP).

District System Management Plan (DSMP): Prepared by each District, the DSMP identifies Department priorities for transportation system improvements. The District also prepares Transportation Concept Reports (TCRs, also called Route Concept Reports [RCRs], which are route-specific improvement concepts with a 20-year horizon.

State Highway Operations and Protection Plan (SHOPP): The SHOPP is a 10-year state highway safety, rehabilitation, and traffic operations plan prepared by the Department to address statewide operations and system preservation needs. (The acronym SHOPP is also used for the funding source and the 4-year program of projects.)

Goods Movement Action Plan (GMAP): The GMAP is a statewide plan that describes current and projected goods movement growth and anticipated impacts to the year 2020. It addresses the community and environmental impacts of goods movement activities with selected strategies and actions, and includes a framework list of projects that will both support trade volume increases and minimize adverse impacts from these increases.

The Circulation Element in Local General Plans: The circulation element is not simply a transportation plan. It is an infrastructure plan addressing the circulation of people, goods, energy, water, sewage, storm drainage and communications. Local agencies should coordinate its circulation element provisions with applicable state and regional transportation plans (see §65103(f) and §65080 (a)). The federal government is under a similar obligation (Title 23 U.S.C. 134).

6.07 Key Review Points

Development and adoption of the RTP is a lengthy activity for MPOs/RTPAs. It entails data collection and interpretation, public participation and involvement, consensus building, formal consultation with federally recognized Native American Tribal Governments in the region, and many other steps, procedures and products. District Regional Planning staff should bear this in mind as they review, route, and comment on draft RTPs. Comment letters should be provided in a timely manner and should be comprehensive, i.e., they should include all the Department's comments.

The *RTP Guidelines* include a comprehensive RTP checklist, which MPO/RTPA must complete and District staff should carefully review to assure the RTP:

- Contains both short term (10-year) and long-term (20+ year) horizons
- Includes the three required elements: action, policy, and financial
- Sets forth transportation system outcome performance objectives and measures
- Evidences compliance with CEQA (See Section 6.09), Title VI, environmental justice, and ADA
- Considers strategies to meet the eight broad planning factors in SAFETEA-LU
- Assesses all of the current modes of transportation and the potential for new or enhanced multi-modal travel options (i.e. transit, bicycle, pedestrian) and alternative scenarios
- Predicts and includes actions to address future needs for mobility, access, and goods movement
- References and documents public policy decisions by local, regional, state, and federal officials regarding transportation expenditures and financing
- Identifies needed transportation improvements in sufficient detail to:
 - Develop the Federal Transportation Improvement Program (FTIP), the Regional Transportation Improvement Program (RTIP) and the Interregional Transportation Improvement Program (ITIP)
 - Facilitate National Environmental Protection Act (NEPA)/404 integration decisions
 - Establish plan-level purpose and need
 - Develop an estimate of emissions impacts for demonstrating conformity with the air quality targets identified in the SIP (non-attainment areas only)
 - Promote consistency among the California Transportation Plan, the RTP and other plans developed by cities, counties, districts, private organizations, Tribal governments, and state and federal agencies in responding to regional, interregional, and statewide transportation issues and needs
- Provides a forum for (1) participation and cooperation and (2) partnerships that reconciles transportation issues, which transcend regional boundaries
- Involves the public, federal, State, Native American Tribal Governments, and local agencies, as well as local elected officials, early in the transportation planning process, and includes them in discussions and decisions on the social, economic, air quality and environmental issues related to transportation
- The RTP must be inclusive and equitable, e.g., modes, access for users, public participation, government-to-government interaction with Native American Tribal governments (i.e., formal consultation). It must be adopted at least every four years in non-attainment and maintenance areas; every five years in attainment areas. Air quality non-attainment areas are required to update RTPs consistent with federal time frames.

6.08 RTP Development and District Circulation of the Draft RTP

District regional transportation planning staff is the communication link between the MPO/RTPA and the Department, including other units in the District and Headquarters. Input is provided as the RTP is drafted and when the District circulates the draft RTP among affected District and Headquarters units for review and comment. (See RTP Development and Review Chart on page 80.) Generally, the same units and entities to whom District staff circulates the OWP should be consulted about the draft RTP (See Sections 2.9 and 2.10 for a sample listing).

The District prepares the Department's comments on the draft RTP. Unlike the OWP, the District/Department does not approve/disapprove the RTP.

6.09 The RTP is a Project under CEQA

Under the California Environmental Quality Act (CEQA; Public Resources Code 21000 et seq), the RTP is defined as a "project" that requires environmental evaluation and documentation of impacts and mitigation. A CEQA "Initial Study" should be completed and based on it the appropriate type of environmental document prepared (usually an Environmental Impact Report (EIR) or Negative Declaration (ND)).

Although each Caltrans District is a member of the RTP development team, the District also needs to carefully review and, as appropriate, comment on the environmental document. NOTE: Depending on the exact role, Caltrans participation on the RTP development team may legally make the Department a Responsible Agency under CEQA. District size, organizational structure, and staff expertise will determine whether this review is completed by the District's regional transportation planning staff, IGR/CEQA staff, and/or Environmental staff. The responsibility for ensuring appropriate District review of the environmental document rests with the Regional Transportation Planning Branch.

It is strongly advised that the regional transportation planner who is familiar with the draft RTP always become familiar with the environmental document.

The compliance requirements of the National Environmental Policy Act (NEPA) do not apply to development of a RTP. However, MPOs may elect to advance the preliminary identification of key environmental issues and constraints as well as some level of cumulative impact analysis in the RTP. The conformity analysis, for instance, is a form of cumulative air quality analysis that could be referenced, especially where air quality considerations may have driven the development of the RTP alternatives and project list. In general, the RTP is a meaningful document in which to begin addressing the cumulative impacts of the transportation system; early identification of environmental issues and constraints also allows for their integration into the plan and specific projects, thus avoiding project scope, cost and schedule changes.

Although an environmental review under the NEPA is not required, MPOs/RTPAs may elect to advance the preliminary identification of key issues and environmental constraints as well as some level of cumulative impact analysis to the RTP planning stage. This is the most meaningful time to address cumulative regional impacts. Early identification of environmental issues and constraints allows for plan modifications and provides better impact avoidance opportunity.

6.10 The Final RTP

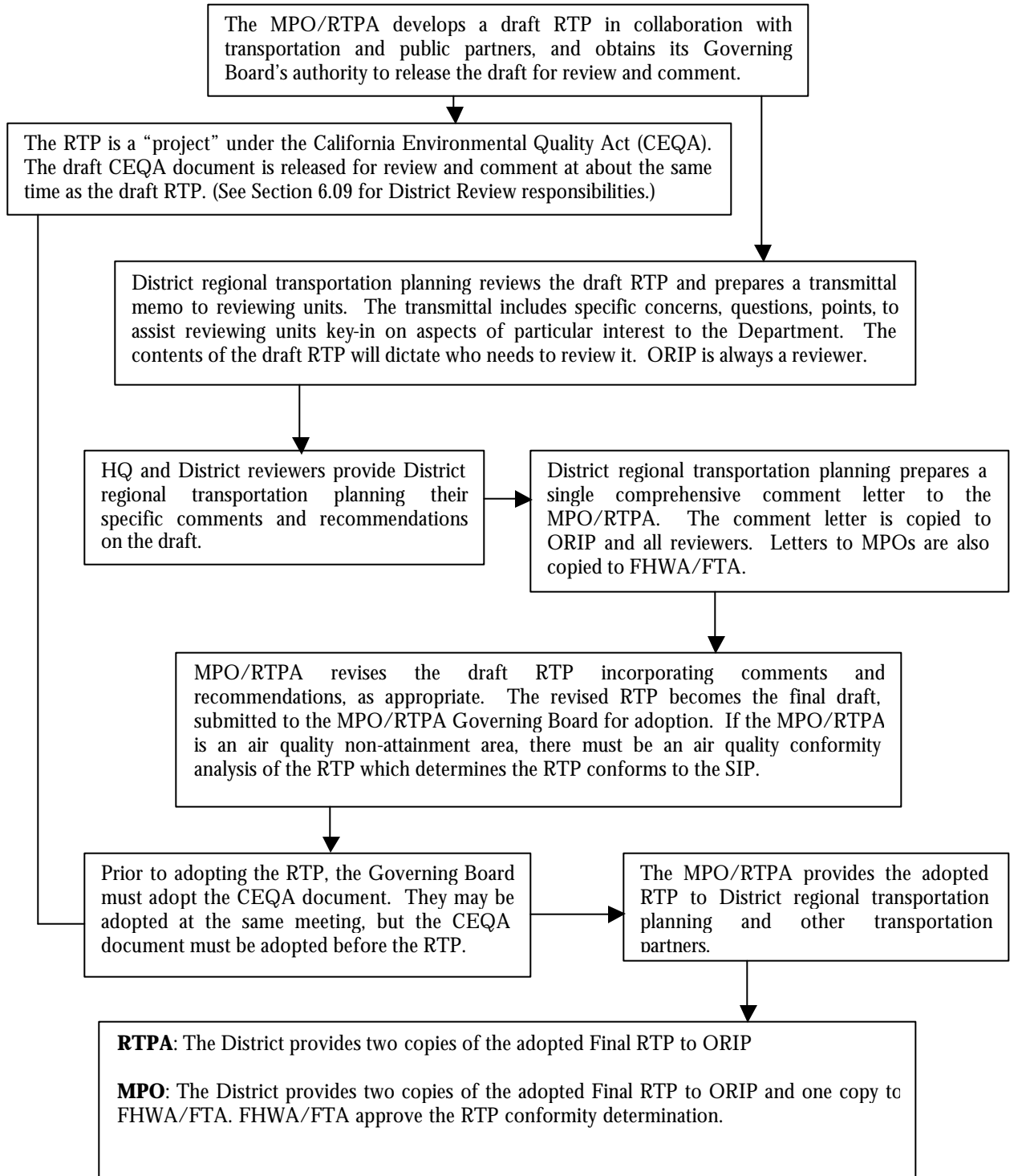
Department, FHWA/FTA, transit agencies and providers, interest groups and all other partners, users and stakeholders participate in drafting and revising the RTP, but only the MPO/RTPA Governing Board approves and adopts it.

For air quality non-attainment areas, only projects in a conforming RTP and a conforming transportation improvement program (TIP) are eligible for federal transportation funding.

For MPOs, the air quality conformity analyses are provided to FHWA/FTA who must approve the air quality conformity of the RTP before it is deemed a conforming RTP. The due date for the next RTP update, in areas subject to conformity requirements, is based on the FHWA and FTA approval date of the RTP conformity analysis.

The District obtains final RTP copies, including the Governing Board's approval resolution, and provides copies to the California Transportation Commission (CTC). MPO RTPs are forwarded to FHWA/FTA, either by the MPO or by the District, as per MPO/District practice. It is District responsibility to assure the CTC, and FHWA/FTA are provided copies.

RTP DEVELOPMENT AND REVIEW



6.11 The District Provides ORIP all RTPs and RTP Environmental Documents

As with OWPs, the District forwards copies of all draft and final RTPs and related documentation, including the environmental documents, Governing Board resolutions approving the RTP to ORIP.

If air quality conformity applies, ORIP is provided a copy of the transmittal letter to FHWA/FTA wherein air quality conformity protocol and conclusions may be detailed, if they are not in the RTP or its appendices. ORIP is also provided FHWA's/FTA's air quality conformity federal comment and approval/disapproval letters.

Like the OWP, ORIP also requests an electronic version or CD of the Final adopted RTP, and any subsequent amendments thereto.

ORIP staff monitors RTPs to assess whether they are updated timely, to track statewide transportation trends and concerns and air quality conformity issues, and periodically, at the request of the CTC, to report on RTP progress, trends, and compliance with current *RTP Guidelines*. ORIP also uses this information to comment on proposed legislation, which would impact RTPs.

7 FULL PARTICIPATION REGIONAL TRANSPORTATION PLANNING

As stated in Section 1.02, regional transportation planning is a 3Cs approach: continuing, cooperative and comprehensive. It involves the entire community: individuals, federal, state, tribal governments, regional and local agencies, and public, private and community based organizations all working together to identify how future regional transportation needs will be met.

Comprehensive regional transportation planning can be understood from several perspectives, among which are mode, participation and setting. All modes shall be considered. Decisions shall be made through formal government-to-government consultation with Native American Tribal Governments, and with the full participation of the community served. Consistent with a collaboratively crafted vision, the region will work together to determine how best to provide a full range of transportation options for all system users.

As stated in the eight planning factors in SAFETEA-LU, the goal is to:

- Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency
- Increase the safety of the transportation system for motorized and non-motorized users
- Increase the security of the transportation system for motorized and non-motorized users
- Increase the accessibility and mobility of people and for freight
- Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns
- Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight
- Promote efficient system management and operation
- Emphasize the preservation of the existing transportation system

7.01 A Public Participation Plan/Public Involvement Program

Each MPO/RTPA shall have a structure for public participation by developing a Public Participation Involvement Plan [23CFR134(i)(5)(B)]. This plan will be the foundation for transportation planning decisions and shall contain these principles:

- Be developed in consultation with all interested parties
- Provide all interested parties reasonable opportunities to comment on the contents of the transportation plan

The Public Participation Plan should also take into consideration the transportation system as a whole and involve the entire community as well as the interplay and impact of transportation on other regional factors such as the economy, the environment and quality of life.

This structure should be periodically reviewed, its effectiveness evaluated, and changes made to better ensure full public participation and involvement. Like transportation planning efforts, review, update and evaluation of the public participation structure should be transparent and should fully involve all stakeholders.

Changes to the transportation system can have profound impacts on a region. Full, open and active involvement of all users and stakeholders is essential for successful regional transportation planning.

A partial listing of who should be involved includes:

- Community members and groups, and community based organizations
- Individuals and groups with special interests, needs and advocacy positions, e.g., ethnic, economic, environmental, modal, age, access, neighborhood
- Public and private transit operators, including paratransit; carpools/rideshare coordinators/transportation management agencies
- Emergency responders
- Regional airport and seaport operators, managers and authorities
- Trucking and freight rail operators and advisory councils
- Local, regional, intercity, commuter, and high speed rail planners and providers
- Local and regional planning agencies, e.g., city/county government, congestion management agencies, affected individuals and agencies in adjacent regions
- Native American Tribal Governments (formal consultation)
- Non-federally recognized Tribal communities
- State transportation agencies, e.g., California Highway Patrol, Department (Districts, affected HQ functions such as Mass Transportation, Aeronautics, Research and Innovation, Local Assistance, Traffic Operations)
- Federal agencies, e.g., FWHA/FTA, EPA, Bureau of Indian Affairs, resource agencies such as US Forest Service, National Park Service, National Marine and Fishery Service, Fish and Wildlife Service, and the US Army Corps of Engineers
- State resources entities, e.g., California Air Resources Board, California Resources Agency, Coastal Commission, California Energy Commission, California Environmental Protection Agency, State Water Board, Regional Water Quality Control Board, State Department of Fish and Game, Regional Waste Board
- Intelligent Transportation System interests such as the California Alliance for Advanced Transportation Systems.

The *RTP Guidelines* specify the following relative to public involvement during the development of the RTP:

- The regional agency seeks out and considers the needs of those traditionally under-served by existing transportation systems, including but not limited to low-income and minority households
- In non-attainment areas, the RTP is based on interagency consultation with air and environmental agencies and the public, and reflects coordination with local and regional air quality planning authorities
- Includes citizen involvement in the early stages of plan development, and
- Where there are Native American Tribal Governments within RTP boundaries, the tribal concerns have been addressed and the RTP was developed in consultation and cooperation with the Tribal Governments (formal consultation) and the Secretary of the Interior.

For more information on public participation go to www.fhwa.dot.gov.

7.02 Native American Tribal Governments and Communities

Federal statute and regulations require that Tribal Governments be involved in the transportation planning and programming processes. The Federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) reiterates and expands existing requirements and re-emphasizes Tribal Government participation in transportation planning and programming processes as initiated by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and the Transportation Equity Act for 21st Century (TEA 21).

Regional transportation agencies are sometimes uncertain of the governance underlying the need to involve Tribal Governments and/or the appropriate methods of involvement required. The following attempts to clarify, without going into contemporary Indian law, the "why" and "how" of Tribal Governmental participation in transportation planning and programming.

Statute

Title 23, U.S.C., Chapter 1, Sections 134 and 135, as amended by SAFETEA-LU, provides statutory guidance relative to the planning requirements. SAFETEA-LU requires that State and metropolitan agencies must consult, coordinate and consider the concerns of Tribal Governments when developing transportation plans, and the State Transportation Improvement Program (STIP).

Statewide Transportation Plan: "Each State shall develop a statewide transportation plan, with a minimum 20-year forecast period, updated at least every five years, for areas of

the State, that provides for the development and implementation of the intermodal transportation system of the State.”

Reservations and Rancherias: “With respect to each areas of the State under the jurisdiction of an Indian tribal government, the statewide transportation plan shall be developed in consultation with the tribal government and Secretary of the Interior.”

Statewide Transportation Improvement Program (STIP) —“Each State shall develop a statewide transportation improvement program for all areas of the State.”

Subpart C, Metropolitan Transportation Planning and Programming, § 450.312
Metropolitan transportation planning: Responsibilities, cooperation, and coordination,

"Where a metropolitan planning area includes Federal public lands and/or Indian tribal lands, the affected Federal agencies and Indian tribal governments shall be involved appropriately in the development of transportation plans and programs."

SAFETEA LU adds new requirements as summarized below, that expands the scope in the regulations for consultation, mitigation and participation of tribes under Sections 3005, 3006 and 6001.

Transportation Planning and Programming:

- Consultation with Tribal Governments is required for the coordination of environmental planning and transportation planning requirements when working with Tribal Governments. Environmental planning includes all environmental concerns a tribe may have – not only the cultural resources. Transportation planning includes all modes of transportation i.e., transit, pedestrian, etc. The Department and regional transportation planning agencies may consider including tribal representatives on the project management team when the project will clearly impact a tribal community and/or environmental resource.
- Consultation with the Federally-recognized Tribal agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation is required during the planning and programming processes.
- There must be a discussion of types of potential environmental mitigation activities to be developed in consultation with Federal, State and Tribal wildlife, land management and regulatory agencies in the transportation planning and programming documents.
- A “participation plan” must be developed in consultation with all interested parties, which includes tribal governments and their communities.

SAFETEA-LU has also provided new revisions to the Federal Transit Administration (FTA)—Title 49, U.S.C.:

- When developing the annual listing of obligated projects, there shall be a cooperative effort of “transit operators” that shall include “investments in pedestrian walkways and bicycle transportation facilities.” “Transit operators” include Tribal transit operators.
- A coordinated Public Transit-Human Services Transportation Plan must be developed through a process that include representatives of public, private, and non profit transportation and human services providers, as well as the public, Tribal nonprofit organizations, e.g., Indian health clinics in California are primarily incorporated as non-profit organizations.

Regulations

Code of Federal Regulations (CFR) 23, pursuant to Title 23, U.S.C., provides regulatory guidance relative to the planning requirements.

Part 450, Planning Assistance and Standards:

Subpart B, Statewide Transportation Planning, § 450.202 Applicability: "The requirements of this subpart are applicable to States and any other agencies/organizations which are responsible for satisfying these requirements."

Subpart B, § 450.208, Statewide transportation planning process: Factors, (a)(23): "The concerns of Indian tribal governments having jurisdiction over lands within the boundaries of the State."

Subpart B, § 450.210, Coordination,

(a): "In addition to the coordination required under § 450.208(a)(21) in carrying out the requirements of this subpart, each State, in cooperation with participating organizations (such as MPOs, Indian tribal governments, environmental, resource and permit agencies, public transit operators) shall, to the extent appropriate, provide for a fully coordinated process including coordination of the following:

(2): "Plans, such as the statewide transportation plan required under §450.214, with programs and priorities for transportation projects, such as the STIP;"

Subpart B, § 450.214, Statewide transportation plan,

(a): "The State shall develop a statewide transportation plan for all areas of the State."

(c): "In developing the plan, the State shall:

(2) "Cooperate with the Indian tribal government and the Secretary of the Interior on the portions of the plan affecting areas of the State under the jurisdiction of an Indian tribal government."

Subpart C, Metropolitan Transportation Planning and Programming, § 450.312 Metropolitan transportation planning: Responsibilities, cooperation, and coordination,

(i): "Where a metropolitan planning area includes Federal public lands and/or Indian tribal lands, the affected Federal agencies and Indian tribal governments shall be involved appropriately in the development of transportation plans and programs."

Subpart C, § 450.324, Transportation improvement program: General,

(f): The TIP shall include:

(1): "All transportation projects, or identified phases of a project, (including pedestrian walkways, bicycle transportation facilities and transportation enhancement projects) within the metropolitan planning area proposed for funding under title 23, U.S.C., (including Federal Lands Highway projects). "

Guidelines

California Transportation Commission (CTC), Regional Transportation Plan Guidelines, approved in December 1999, and amended in December 2003.

The California Transportation Commission approved the following requirement in the Regional Transportation Guidelines: "the MPOs and RTPA should include a discussion of consultation, coordination and communication with federally recognized Tribal Governments when the community is located within the boundary of an MPO/RTPA".

The MPO/RTPAs should develop a government-to-government relationship with each of these tribes. This refers to the protocol for communicating between the MPOs/RTPAs and the Tribal Governments as sovereign nations. This consultation process should be documented in the RTP. The initial point of contact for Tribal Governments should be the Chairperson for the tribe. When unsuccessful in getting a response from the Tribe, the MPO/RTPA should re-evaluate the method used in encouraging participation from the Tribal Government and these efforts should be documented.

Tribal Government Consultation vs. Native American Public Participation

When involving Tribal Governments in the planning and programming process, transportation agencies need to consult with them---in addition to the need to include Native Americans in public participation. Establishing and maintaining Government-to-

Government relations with Federally-recognized Tribal Governments through consultation is separate from, and precedes, the public participation process.

Consultation with Tribal Governments

Federally-recognized Tribes are familiar with the federal “consultation” process that requires agencies to identify when the agency is formally consulting with the Tribe.

CFR 23, Subpart A, § 450.104, Definitions: "Consultation means that one party confers with another identified party and, prior to taking action(s), considers that party's views."

Tribal Government refers to the recognized government, or political unit, of a Tribe.

CFR 23, Subpart B § 450.208(b): "The degree of consideration and analysis of the factors should be based on the scale and complexity of many issues, including transportation problems, land use, employment, economic development, environmental and housing and community development objectives . . ."

Issues may also include Tribal Governments' concerns about projects outside their jurisdiction that have the potential to impact their communities or cultural resources.

It is important to know with whom you are consulting and what methods are most effective:

Each federally recognized Tribe is a sovereign government. Each Tribe has its own form of government and protocol for how business is to be conducted. There is no singular approach. Unless directed otherwise by the Tribe, correspondence should be addressed to the Tribal Chairperson.

Tribes differ in their ability to finance leaders, spokespersons or administrative support. Tribal leaders are frequently participating on their own time and money. Agencies need to be cognizant of this and act accordingly, e.g., be flexible when and where meetings are scheduled. A meeting with the Tribal Government (most often referred to as the Tribal Council) is usually the most effective way to communicate.

Providing enough time for the Tribal Government to respond is important. Most Tribal Governments meet once a month, and it may be difficult to put additional items on the agenda if not given enough time.

Public Participation

Public participation provides for public involvement of all citizens (including Native Americans), affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties of the community affected by transportation plans, programs and projects.

All Native Americans as individual citizens---regardless of whether they are members of Federally-recognized Tribes---can contribute to the public participation process. They belong to a minority, they may be low income and they may be associated with a community-based organization or be among the groups shown above. Within public participation forums, as individuals, they are not representing Tribal Governments.

California Department of Transportation

APPENDICES

Caltrans

SAMPLE WORK ELEMENT

ELEMENT 02-004: AIR QUALITY PLANNING ANALYSIS & COORDINATION

OBJECTIVE: To implement the requirements of the federal Clean Air Act Amendments (CAAA) of 1990 to ensure that projects are delivered that do not impede the region's air quality goals including preparation of conformity determinations on the Metropolitan Transportation Plan and the Metropolitan Transportation Improvement Program. To promote clean-fuel projects consistent with the State Implementation Plan (SIP) for the Sacramento area. To coordinate and support efforts to develop mobile source control measures that will ensure positive future conformity determinations.

DISCUSSION: To maintain eligibility for federal funding, SACOG, as the Metropolitan Planning Organization (MPO) for this area, must prepare a positive air quality conformity determination prior to approving the transportation plan or program. The State Implementation Plan for Air Quality calls for a program to reduce NO_x emissions from on-road and off-road heavy-duty vehicles by five tons per day by 2005. SACOG will work with its partner agencies to specify how these reductions will be achieved. This element is coordinated with and enhanced by activities under Interagency Relations and Program Management; Public Information, Outreach and Education; and Project Delivery and Programming.

PROJECTS:

1. AIR QUALITY CONFORMITY (Federal Requirement) *Project # 02-004-01*

The main emphasis during FY 2001/02 will be to prepare conformity determinations for the Metropolitan Transportation Plan (MTP) for 2025 and any amendments to the FY 2001/02 Metropolitan Transportation Improvement Program (MTIP) for the Yuba/Sutter and Sacramento federal nonattainment areas. SACOG will also prepare any additional conformity determinations on an as-needed basis. As part of the air-quality consultation process, SACOG will continue to hold monthly meetings of the Regional Planning Partnership to review procedures, assumptions, timelines, and completed conformity determinations. In addition, SACOG will work with the local air districts and the Environmental Protection Agency (EPA) to adopt the consultation section of the draft inter-agency conformity model rule and to finalize other sections of the draft model rule as guidance becomes available from EPA.

End Products:

- a. Conformity Determination on Draft 2025 Metropolitan Transportation Plan (March 2002)
- b. Conformity determinations on any amendments to the 1999 MTP and FY 2000/01 MTIP (as needed)
- c. Adoption of inter-agency consultation section of the draft State Implementation Plan conformity rule (June 2002)

2. DEVELOPMENT OF 2003 STATE IMPLEMENTATION PLAN *Project # 02-004-02* (Supports State and Federal Requirements)

The California Air Resources Board (CARB) is beginning the process to develop strategies for inclusion in the 2003 State Implementation Plan for the Sacramento ozone nonattainment area. Under this element, SACOG will work with CARB to develop strategies to reduce emissions that contribute to ozone and inhalable particles.

End Products:

- a. Provide transportation model output from the SACMET model to the California Air Resources Board for input into the development of the 2003 SIP (as needed)
- b. Provide other data to CARB for the development of the 2003 SIP, as requested (Ongoing)
- c. List of potential measures for inclusion in the 2003 SIP (June 2002)

SACOG RESOURCES: .73 FTE's

<u>INCOME</u>	<u>PROPOSED</u>	<u>EXPENDITURES</u>	<u>PROPOSED</u>
FHWA (PL)	\$ 76,500	SACOG	\$ 117,000
FTA 5303	5,500		
EDCTC	2,000		
PCTPA	7,000		
TDA Planning	26,000		
TOTAL	\$117,000	TOTAL	\$117,000

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FOOTBALL:

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11.6 Yuba-Sutter Transit District

10/10/15

SAMPLE BUDGET SUMMARY

FY 2001/2002 OVERALL WORK PROGRAM DIRECT SERVICES EXPENDITURE SUMMARY

42-201 OWP

ACCOUNT NUMBER	ELEMENT	Cover	132	01	03	05	06	Legal Services	Pass Thru Funding Agreements	Other
02-001	Interagency Relations and Program Management	\$122,000	\$77,244	\$43,256	\$1,000	\$500	\$0	\$0	\$0	\$0
01	Interagency Relations & Program Management	122,000	77,244	43,256	1,000	500	0	0	0	0
02-002	Project Delivery and Programming	\$1,020,565	\$529,208	\$296,357	\$9,000	\$11,000	\$170,000	\$5,000	\$0	\$0
01	State Programming	112,500	68,910	38,590	4,000	1,000	0	0	0	0
02	Federal Programming	130,000	73,077	40,923	1,000	5,000	0	0	0	0
03	Project Delivery	190,500	106,731	50,769	3,000	1,000	20,000	0	0	0
04	TDA Administration	597,565	280,490	157,075	1,000	4,000	150,000	5,000	0	0
02-003	Multimodal Transp Ping & Coord	1,028,980	377,558	211,432	15,000	25,000	400,000	0	0	0
01	Metropolitan Transportation Plan - 2025	385,480	179,801	100,069	10,000	20,000	75,000	0	0	0
02	Pedestrian and Bicycle	40,000	24,679	13,821	500	1,000	0	0	0	0
03	Cal Traction Preservation & Purchase Plan Study	220,000	31,000	17,410	500	1,000	170,000	0	0	0
04	Intelligent Transportation Systems	108,000	81,859	34,641	2,500	2,000	5,000	0	0	0
05	Update of Early Deployment Plan *	150,000	0	0	0	0	150,000	0	0	0
06	Passenger Rail Improvements	1,500	321	179	500	500	0	0	0	0
07	Planning Coordination	80,000	54,808	30,692	500	0	0	0	0	0
08	Corridor Studies	40,000	25,000	14,000	500	500	0	0	0	0
02-004	AQ Ping, Analysis Coordination	117,000	71,154	39,846	2,000	4,000	0	0	0	0
01	Air Quality Community	83,000	51,282	28,718	1,000	2,000	0	0	0	0
02	Development of 2003 SIP	34,000	19,872	11,128	1,000	2,000	0	0	0	0
02-005	Transit Planning & Coordination	285,256	105,035	58,821	600	800	50,000	0	50,000	0
01	SRTD Transit Planning	74,000	15,250	8,544	0	200	0	0	0	0
02	Paratransit, Inc. Monitoring & Evaluation	80,000	44,359	24,841	200	200	0	0	0	0
03	Transit Coordination	80,000	43,333	24,267	200	200	0	0	0	0
04	Yuba-Sutter Short Range Transit Plan *	51,656	2,087	1,169	200	200	50,000	0	0	0
02-006	Regional Monitoring and Forecasting	933,514	472,125	264,389	11,000	6,000	180,000	0	0	0
01	Regional Monitoring	343,500	210,577	117,923	4,000	1,000	10,000	0	0	0
02	Regional Forecasting	87,000	54,808	30,002	1,000	500	0	0	0	0
03	Travel Model Development - Phase 1	442,500	150,654	86,140	3,000	2,000	150,000	0	0	0
04	Travel Model Development - Phase 2 *	10,514	0	0	0	0	0	0	0	0
05	Census Data Distribution	10,514	48,060	26,928	3,000	2,500	20,000	0	0	0
02-007	Geographic Information Systems	713,855	364,960	204,210	6,200	3,500	135,285	0	0	0
01	GIS Applications	37,058	203,883	114,175	5,000	1,000	50,000	0	0	0
02	Precal-Level Base Map Development/Update	122,000	76,282	42,718	1,000	2,000	0	0	0	0
03	Sacramento GIS Cooperative	46,000	25,941	14,359	0	0	To Be Determined	0	0	0
04	Yolo GIS Cooperative	77,285	4,487	2,513	0	0	70,285	0	0	0
05	Aerial Photography	10,512	54,387	30,445	200	500	15,000	0	0	0
02-008	Public Info/Outreach & Advocacy	915,287	445,377	249,410	6,500	94,000	160,000	0	0	0
01	Regional Information Center	173,025	110,016	61,008	1,000	1,000	0	0	0	0
02	Education, Outreach & Marketing	263,678	136,973	76,705	3,000	50,000	0	0	0	0
03	Graphic Design and Layout	85,000	52,885	29,815	500	2,000	0	0	0	0
04/05	Legislation and Public Affairs	380,984	145,983	81,481	2,000	1,000	160,000	0	0	0
02-009	Services	587,756	213,339	119,471	6,473	5,473	0	0	0	223,000
01	Capitol Valley SAFE	211,987	131,244	73,497	3,473	3,473	0	0	0	0
02	Glenn County SAFE	3,000	1,823	1,077	0	0	0	0	0	0
03	Rilestone	351,069	80,172	44,997	3,000	2,000	0	0	0	223,000
02-009	Special Projects & Local Tech Assst	1,771,413	255,385	143,015	8,200	5,400	1,284,413	0	75,000	0
01	Airport Land Use Commission (ALUC)	82,000	52,308	29,292	200	200	0	0	0	0
02	Sacramento TAO Cooperative	75,000	0	0	0	0	0	0	75,000	0
03/04	Sacto. Emergency Clean Air and Transp Program	52,413	39,744	22,256	1,000	2,000	457,413	0	0	0
05	Regional AQ Prog/Coord Study for Transit Op	500,000	78,923	43,077	3,000	2,000	375,000	0	0	0
06	Public Opinion Poll on MTP for 2025	30,000	6,410	3,960	0	0	20,000	0	0	0
07	Comprehensive Land Use/Transit Study	215,000	60,000	44,900	4,000	1,200	85,000	0	0	0
08	U.S. 50 Outreach Project	347,000	0	0	0	0	347,000	0	0	0
09	TOTAL	\$7,485,636	\$2,911,085	\$1,630,207	\$65,973	\$115,673	\$2,379,698	\$5,000	\$125,000	\$223,000

42701 ref

OVERALL WORK PROGRAM AGREEMENT

1. The undersigned signatory MPO hereby commits to complete, this fiscal year FY (beginning July 1, 2001 and ending June 30, 2002), the annual Overall Work Program (OWP), a copy of which was approved on date and is attached as part of this OWP Agreement.
2. All of the obligations, duties, terms and conditions set forth in the Master Fund Transfer Agreement (MFTA), numbered number and executed with an effective date of date between agency name (MPO) and the Department of Transportation (STATE), are incorporated herein by this reference as part of this OWP Agreement for this FY.
3. The federal letters of approval from the Federal Transit Administration (FTA), dated date, and from the Federal Highway Administration (FHWA), dated date, and attachments, if applicable, which approved the attached OWP, are by this reference made an express part of this OWP Agreement.
4. MPO agrees to comply with FTA and FHWA matching requirements for "Consolidated Planning Grant" funds obligated and encumbered against this OWP Agreement. This OWP Agreement obligates and encumbers only these following federal funds: FHWA – Metropolitan Planning (PL), federal/local – 88.53/11.47; FHWA State Research and Planning (SP&R) – Partnership Planning, federal/local – 80/20; FTA Section 5303, federal/local – 88.53/11.47 and FTA Section 5313(b), federal/local – 88.53/11.47 as are specifically identified in Section 5 below. All local match funds are to be provided from non-federal sources.
5. Subject to the availability of funds this FY OWP funds encumbered by STATE include, but may not exceed, the following:

<u>Funding Source</u>	<u>Funding</u>	<u>Mandatory Local Match</u>
FHWA PL	\$ _____	\$ _____
FTA Sect. 5303	\$ _____	\$ _____
FTA Sect. 5313 (b)	\$ _____	\$ _____
FHWA SP&R Partnership Planning	\$ _____	\$ _____

6. Should MPO expend funds in excess of those encumbered against this FY OWP Agreement, those costs shall be borne solely by MPO.

Department of Transportation (STATE) _____ Authorized Signature _____ Printed Name of Person Signing _____ Title	Name of Agency (MPO) _____ Authorized Signature _____ Printed Name of Person Signing _____ Title
--	--

(For Use by Caltrans Accounting Only)

The total amount of all federal funds encumbered by this document is \$ _____
 Fund Title: _____

(For Use by Caltrans Accounting Only)

The total amount of all State funds encumbered by this document is \$ _____
 Fund Title: _____

<u>Item</u>	<u>Chapter Statute Fiscal Year</u>	<u>Item</u>	<u>Chapter Statute Fiscal Year</u>
E.A. /Subjob	Encumbrance Document Number	E.A. /Subjob	Encumbrance Document Number
	(For Accounting Use Only)		(For Accounting Use Only)

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and expenditure purpose stated above.

 Signature of Department of Transportation Accounting Officer

 Date

OVERALL WORK PROGRAM AGREEMENT

1. The undersigned signatory RTPA hereby commits to complete, this fiscal year FY (beginning July 1, 2001 and ending June 30, 2002), the annual Overall Work Program (OWP), a copy of which was approved on date and is attached as part of this OWP Agreement.
2. All of the obligations, duties, terms and conditions set forth in the Master Fund Transfer Agreement (MFTA), numbered number and executed with an effective date of date between agency name (RTPA) and the Department of Transportation (STATE), are incorporated herein by this reference as part of this OWP Agreement for this FY.
3. This OWP Agreement obligates and encumbers only these following funding sources: State Highway Account – Rural Planning Assistance (RPA) funds, Federal Highway Administration (FHWA) State Research and Planning (SP&R) – Partnership Planning Element (FHWA – SP&R Part. Planning) and Federal Transit Administration Section 5313(b) (FTA Sect. 5313(b) as are specifically identified in Section 4 below. RTPA agrees to comply with FHWA and FTA matching requirements for “Consolidated Planning Grant” funds obligated and encumbered against this OWP Agreement: FHWA – SP&R Part. Planning, federal/local – 80/20; and/or FTA Sect. 5313(b), federal/local – 88.53/11.47. All local match funds are to be provided from non-federal sources. RPA and FHWA – SP&R Part. Planning funds are available only for this FY.
4. Subject to the availability of funds, this FY OWP funds encumbered by STATE include, but may not exceed, the following:

<u>Funding Source</u>	<u>Funding</u>	<u>Mandatory Local Match, if applicable</u>
RPA – State Highway Account	\$ _____	\$ _____
FHWA –SP & R Part. Planning	\$ _____	\$ _____
FTA Sect. 5313 (b)	\$ _____	\$ _____

5. Should RTPA expend funds in excess of those encumbered by STATE against this OWP Agreement, those costs shall be borne solely by RTPA.

Department of Transportation (STATE) _____ Authorized Signature _____ Printed Name of Person Signing _____ Title	Name of Agency (RTPA) _____ Authorized Signature _____ Printed Name of Person Signing _____ Title
--	---

(For Use by Caltrans Accounting Only)

The total amount of all federal funds encumbered by this document is \$: _____

Fund Title: _____

(For Use by Caltrans Accounting Only)

The total amount of all State funds encumbered by this document is \$: _____

Fund Title: _____

<u>Item</u>	<u>Chapter Statute Fiscal Year</u>	<u>Item</u>	<u>Chapter Statute Fiscal Year</u>
E.A. /Subjob	Encumbrance Document Number	E.A. /Subjob	Encumbrance Document Number
	(For Accounting Use Only)		(For Accounting Use Only)

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and expenditure purpose stated above.

Signature of Department of Transportation Accounting Officer

Date

[illegible]

APPENDIX E

MPO LOCATED SOMEWHERE IN CALIFORNIA
Anywhere, CA 95000
CONSOLIDATED PLANNING GRANT (CPG)
Federal Highway Administration (FHWA) and Federal Transit Administration (FTA)

REQUEST FOR REIMBURSEMENT
INVOICE NUMBER 1 , Fiscal Year 2001-2002

The **MPO LOCATED SOMEWHERE IN CALIFORNIA**, a Metropolitan Planning Organization requests reimbursement in the amount of \$21,372.64 for the period beginning 7/01/01 through and inclusive of 7/31/01. I certify that I am a duly authorized representative of **MPO LOCATED SOMEWHERE IN CALIFORNIA** and the request for reimbursement is consistent with the terms of the Master Fund Transfer Agreement, dated **DAY MFTA SIGNED**, entered into between **MPO LOCATED SOMEWHERE IN CALIFORNIA** and the State of California, Department of Transportation. The reimbursement request is for work completed in accordance with the **2001- 02** approved Overall Work Program. I certify that all State and federal matching requirements have been met.

2001-02 OWPB Authorized	\$ 1,000,000.00
Total Invoices Year-to-Date	\$ 21,372.64
*Current Invoice	\$ 21,372.64
Balance	\$ 978,627.36

***Current Invoice Breakdown. This portion must be completed by local agency to receive reimbursement.**

			Local Funds	and/or	In-Kind Service
FHWA PL Funds	\$ 17,800.84	Local Match (11.47%) for PL	\$ 2,306.29		
FTA Sec. 5303 Funds	\$ 3,571.80	Local Match (11.47%) for Sec. 5303	\$ 462.76		
FTA Sec. 5313(b) Funds		Local Match (11.47%) for Sec. 5313(b)	\$ -		
FHWA SPR Funds		Local Match (20%) for SPR	\$ -		

Partnership Planning ONLY

Name & Title (please print) _____ Signature _____ Date _____

Department of Transportation Use Only

I certify that I am duly authorized by the Department of Transportation to approve payment to **MPO LOCATED SOMEWHERE IN CALIFORNIA** in the amount of \$ _____ **MPO LOCATED SOMEWHERE IN CALIFORNIA** has an approved Overall Work Program and the request for reimbursement is consistent with the Master Fund Transfer Agreement between the State of California, Department of Transportation and **MPO LOCATED SOMEWHERE IN CALIFORNIA**. This authorization to pay acknowledges receipt of services.

Vendor# _____ Accounting Use Only _____

Name (please print) _____ Signature _____ Date _____

TC _____ Source Dist 74	Source Unit 162	Chg. Dist EA	Subjob	FA 6	ObjCode 049
Amount \$ _____		RPI _____ N	Encumbrance Document # _____		
TC _____ Source Dist 74	Source Unit 162	Chg. Dist EA	Subjob	FA 6	ObjCode 049
Amount \$ _____		RPI _____ N	Encumbrance Document # _____		
TC _____ Source Dist 74	Source Unit 162	Chg. Dist EA	Subjob	FA 6	ObjCode 049
Amount \$ _____		RPI _____ N	Encumbrance Document # _____		
TC _____ Source Dist 74	Source Unit 162	Chg. Dist EA	Subjob	FA 6	ObjCode 049
Amount \$ _____		RPI _____ N	Encumbrance Document # _____		
TC _____ Source Dist 74	Source Unit 162	Chg. Dist EA	Subjob	FA 6	ObjCode 049
Amount \$ _____		RPI _____ N	Encumbrance Document # _____		
TC _____ Source Dist 74	Source Unit 162	Chg. Dist EA	Subjob	FA 6	ObjCode 049
Amount \$ _____		RPI _____ N	Encumbrance Document # _____		
TC _____ Source Dist 74	Source Unit 162	Chg. Dist EA	Subjob	FA 6	ObjCode 049
Amount \$ _____		RPI _____ N	Encumbrance Document # _____		

Date Dist received Invoice _____ Invoice Dispute Notification Sent _____ Date Invoice Sent to HQ Accounting _____

APPENDIX F

Sample RTPA Request for Reimbursement (discretionary grants)

**RTPA
ADDRESS
CITY , STATE
FTA SECTION 5313(b) AND SPR PARTNERSHIP PLANNING ONLY**

**REQUEST FOR REIMBURSEMENT
INVOICE NUMBER _____, Fiscal Year 2001-2002**

The fill in agency name, a Regional Transportation Planning Agency, requests reimbursement in the amount of \$_____ for the period beginning _____ through and inclusive of _____. I certify that I am a duly authorized representative of fill in agency name and the request for reimbursement is consistent with the terms of the Master Fund Transfer Agreement, dated _____, entered into between fill in agency name and the State of California, Department of Transportation. The reimbursement request is for work completed in accordance with the **2001- 02** approved Overall Work Program. I certify that all State and federal matching requirements have been met.

2001-02 FTA 5313(b) OWPA Authorized	_____
2001-02 FHWA SPR OWPA Authorized	_____
Total Invoices Year-to-Date	_____
*Current Invoice	_____
Balance	\$ _____ -

***Current invoice Breakdown. This portion must be completed by local agency to receive reimbursement.**

		Local Funds	and/or	In-Kind Service
FTA Sec. 5313(b) Funds	_____ Local Match (11.47%) for Sec. 5313(b)	\$ _____		_____
FHWA SPR Funds	_____ Local Match (20%) for SPR	\$ _____		_____

Partnership Planning ONLY

_____	_____	_____
Name & Title (please print)	Signature	Date

Department of Transportation Use Only

I certify that I am duly authorized by the Department of Transportation to approve payment to fill in agency name in the amount of \$ _____. Fill in agency name has an approved Overall Work Program and the request for reimbursement is consistent with the Master Fund Transfer Agreement between the State of California, Department of Transportation and fill in agency name. This authorization to pay acknowledges receipt of services billed.

Vendor# _____	Accounting Use Only	_____	_____	_____
		Name (please print)	Signature	Date

TC _____	Source Dist 74	Source Unit 162	Chg. Dist	EA	Subjob	FA 6	ObjCode 049
Amount \$		FY	RPI	N	Encumbrance Document #		

TC _____	Source Dist 74	Source Unit 162	Chg. Dist	EA	Subjob	FA 6	ObjCode 049
Amount \$		FY	RPI	N	Encumbrance Document #		

RTPA
Address
City, State
RURAL PLANNING ASSISTANCE (State Highway Account Only)
REQUEST FOR REIMBURSEMENT Fiscal Year 2001/02

Agency Invoice No. _____	Progress Payment No. _____
No. _____ EA 984150 Subjob _____	
Internal Revenue Service No. _____	

The fill in agency name, a Regional Transportation Planning Agency, requests reimbursement in the amount of _____. For the period beginning date and through and inclusive of date.

I certify that I am a duly authorized representative of fill in agency name and the request for reimbursement is consistent with the terms of the Master Fund Transfer Agreement dated fill in date entered into between fill in agency name and the STATE. The reimbursement request is for work completed in accordance with the 2001-02 approved Overall Work Program. I certify that all STATE matching requirements have been met.

2001/02 RPA OWPA Authorized \$	_____
Invoices Year to Date	\$ _____
Current Invoice	\$ _____
Balance	\$ _____

Name (Please print)

Signature

Date

(Department of Transportation Use Only)

I certify that I am duly authorized by the Department of Transportation to approve payment to fill in agency name in the amount of _____.
fill in agency name has an approved Overall Work Program and the request for reimbursement is consistent with the Master Fund Transfer Agreement between the STATE and fill in agency name. This authorization to pay acknowledges receipt of services billed.

Name (Please print)

Signature

Date

Phone Number _____

FHWA PL

Request for Reimbursement Number xyz

APPENDIX I

MPO Name
FY 2003-04 Overall Work Plan
FTA 5303
Billing Period from xyz date to xyz date.
Request for Reimbursement Number xyz

[illegible]

**Billing Period from xyz date to xyz date.
Request for Reimbursement Number xyz**

[illegible]

Request for Reimbursement Number xyz

[illegible]

FINAL STATEMENT OF EXPENDITURES

[illegible]

MPO/RTPA
Address
City, State

Certification of Expenditure by Fund Source
Fiscal Year 2003/04

I certify that I am a duly authorized representative of the **MPO/RTPA** and the following statement of expenditure of funds is consistent with the terms of the Master fund Transfer Agreement, dated _____, entered into between the **MPO/RTPA** and the State.

I have attached a copy of the Statement of Expenditures by fund source and work element. Matching funds are identified. The expenditures shown are for work completed in accordance with the Fiscal Year 2003/04 approved Overall Work Program. I certify that all state and federal matching requirements have been met.

Metropolitan Planning (PL/FHWA)	\$	_____
FTA Section 5303	\$	_____
FTA Section 5313(b)	\$	_____
SPR – Partnership Planning	\$	_____
Total Consolidated Grant		_____

I understand that this represents a final statement of expenditure for the 2003/04 fiscal year and no future requests for reimbursement will be processed by the State for payment.

Name (Please print)

Signature

Title (Please print)

Date

RTPA
Address
City, State
RURAL PLANNING ASSISTANCE (State Highway Account Only)
REQUEST FOR REIMBURSEMENT Fiscal Year 2001/02

Agency Invoice No. _____	Progress Payment No. _____
No. _____ EA 984150 Subjob _____	
Internal Revenue Service No. _____	

The fill in agency name, a Regional Transportation Planning Agency, requests reimbursement in the amount of _____. For the period beginning date and through and inclusive of date.

I certify that I am a duly authorized representative of fill in agency name and the request for reimbursement is consistent with the terms of the Master Fund Transfer Agreement dated fill in date entered into between fill in agency name and the STATE. The reimbursement request is for work completed in accordance with the 2001-02 approved Overall Work Program. I certify that all STATE matching requirements have been met.

2001/02 RPA OWPA Authorized \$	_____
Invoices Year to Date	\$ _____
Current Invoice	\$ _____
Balance	\$ _____

_____ Name (Please print)	_____ Signature	_____ Date
------------------------------	--------------------	---------------

(Department of Transportation Use Only)

I certify that I am duly authorized by the Department of Transportation to approve payment to fill in agency name in the amount of _____.
fill in agency name has an approved Overall Work Program and the request for reimbursement is consistent with the Master Fund Transfer Agreement between the STATE and fill in agency name. This authorization to pay acknowledges receipt of services billed.

_____ Name (Please print)	_____ Signature	_____ Date
Phone Number _____		

FHWA PL

Request for Reimbursement Number xyz

APPENDIX I

MPO Name
FY 2003-04 Overall Work Plan
FTA 5303
Billing Period from xyz date to xyz date.
Request for Reimbursement Number xyz

[illegible]

Request for Reimbursement Number xyz

[illegible]

Request for Reimbursement Number xyz

[illegible]

MPO/RTPA
Address
City, State

Certification of Expenditure by Fund Source
Fiscal Year 2003/04

I certify that I am a duly authorized representative of the **MPO/RTPA** and the following statement of expenditure of funds is consistent with the terms of the Master fund Transfer Agreement, dated _____, entered into between the **MPO/RTPA** and the State.

I have attached a copy of the Statement of Expenditures by fund source and work element. Matching funds are identified. The expenditures shown are for work completed in accordance with the Fiscal Year 2003/04 approved Overall Work Program. I certify that all state and federal matching requirements have been met.

Metropolitan Planning (PL/FHWA)	\$	_____
FTA Section 5303	\$	_____
FTA Section 5313(b)	\$	_____
SPR – Partnership Planning	\$	_____
Total Consolidated Grant		_____

I understand that this represents a final statement of expenditure for the 2003/04 fiscal year and no future requests for reimbursement will be processed by the State for payment.

Name (Please print)

Signature

Title (Please print)

Date

DIRECTOR'S POLICY

Number: 19

Effective Date: 08-29-01

Supersedes: New

TITLE

Working with Native American Communities

POLICY

When working on issues affecting Native American communities, the Department of Transportation (Department) acts consistently, respectfully and sensitively. When there are regulatory, statutory and/or procedural impediments limiting the Department's ability to work effectively and consistently with Native American communities, the Department seeks to resolve such impediments.

The Department establishes and adheres to government-to-government relationships when interacting with federally recognized California Native American Tribes (Tribal Governments). The Department:

- Acknowledges these tribes as unique and separate governments within the United States.
- Ensures that its programs and activities avoid or minimize adverse impacts to cultural and other resources.
- Recognizes and respects important California Native American rights, sites, traditions and practices.
- Consults with Tribal Governments prior to making decisions, taking actions or implementing programs that may impact their communities.

INTENDED RESULTS

When engaging in activities or developing policies that affect Native American tribal rights or trust resources, the Department acts in a knowledgeable, sensitive and respectful manner.

Native American communities include lands held in trust by Tribal Governments, communities of non-federally recognized tribes, tribal members of California tribes living outside the exterior boundaries of a reservation or rancheria, Native Americans that are not part of a California tribe living in California.

RESPONSIBILITIES

Director: Works with Tribal Governments to achieve the intended results of this policy either directly or through subordinates.

DIRECTOR'S POLICY

Number: 19

Effective Date: 08-29-01

Supersedes: New

TITLE

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INTENDED RESULTS

When engaging in activities or developing policies that affect Native American tribal rights or trust resources, the Department acts in a knowledgeable, sensitive and respectful manner.

Native American communities include lands held in trust by Tribal Governments, communities of non-federally recognized tribes, tribal members of California tribes living outside the exterior boundaries of a reservation or rancheria, Native Americans that are not part of a California tribe living in California.

RESPONSIBILITIES

Director: Works with Tribal Governments to achieve the intended results of this policy either directly or through subordinates.

Deputy Director, Planning and Modal Programs:

- Has lead responsibility for the development and implementation of departmental policy regarding issues impacting Native American communities.
- Coordinates the activities of and serves as the Director's representative and ex-officio member to the Director's Native American Advisory Committee.
- Advises Districts, Divisions, agencies and states to resolve issues or concerns of Native American communities.

Deputy Director, Civil Rights:

- Develops and implements departmental policy on issues regarding Civil Rights, Disadvantaged Business Enterprises (DBE) and Tribal Employment Rights Ordinances (TERO) as they relate to Native Americans and Native American communities.
- Advises Tribal Governments and the Department on Title VI provisions as they relate to Native Americans.

Deputy Director, Project Delivery:

- Develops and implements departmental policy on issues regarding environmental and cultural resources as they relate to Native American communities.
- Develops procedures to implement this policy as it relates to project delivery issues.

Deputy Director, Maintenance and Operations: Develops procedures to implement this policy as it relates to the maintenance and operation of State transportation facilities.

District Directors:

- Promote, establish and manage government-to-government relationships between the Department and Tribal Governments.
- Coordinate District activities with the Native American Liaison Branch.

Division Chiefs and Program Manager: Develop procedures to implement this policy as it relates to their respective areas of responsibility.

Chief, Division of Transportation Planning:

- Oversees the Department's Native American Liaison Branch that:
 - Serves as Department ombudspersons on Native American issues and initial contact for Native American legal issues.
 - Serves as liaisons between the Department, Tribal Governments and other involved third parties to promote government-to-government relationships.
 - Provides information, training and facilitation services related to issues affecting Native American communities.

Chief, Division of Environmental Analysis:

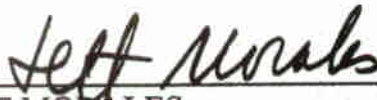
- Oversees the Native American Cultural Studies Branch.
- Develops policies and procedures implementing applicable State and federal environmental and cultural resources laws that affect Native American communities.
- Acknowledges and complies with applicable tribal environmental laws.

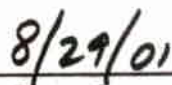
Managers and Supervisors: Ensure that their subordinates are informed of and comply with this policy.

Employees: Ensure that the Department is represented in a knowledgeable, sensitive and respectful manner when engaging in activities that impact Native American communities.

APPLICABILITY

Everyone who works for the Department in any capacity including contractors, consultants and subcontractors.


JEFF MORALES
Director


Date Signed

Deputy Director, Planning and Modal Programs:

- Has lead responsibility for the development and implementation of departmental policy regarding issues impacting Native American communities.
- Coordinates the activities of and serves as the Director's representative and ex-officio member to the Director's Native American Advisory Committee.
- Advises Districts, Divisions, agencies and states to resolve issues or concerns of Native American communities.

Deputy Director, Civil Rights:

- Develops and implements departmental policy on issues regarding Civil Rights, Disadvantaged Business Enterprises (DBE) and Tribal Employment Rights Ordinances (TERO) as they relate to Native Americans and Native American communities.
- Advises Tribal Governments and the Department on Title VI provisions as they relate to Native Americans.

Deputy Director, Project Delivery:

- Develops and implements departmental policy on issues regarding environmental and cultural resources as they relate to Native American communities.
- Develops procedures to implement this policy as it relates to project delivery issues.

Deputy Director, Maintenance and Operations: Develops procedures to implement this policy as it relates to the maintenance and operation of State transportation facilities.

District Directors:

- Promote, establish and manage government-to-government relationships between the Department and Tribal Governments.
- Coordinate District activities with the Native American Liaison Branch.

Division Chiefs and Program Manager: Develop procedures to implement this policy as it relates to their respective areas of responsibility.

Chief, Division of Transportation Planning:

- Oversees the Department's Native American Liaison Branch that:
 - Serves as Department ombudspersons on Native American issues and initial contact for Native American legal issues.
 - Serves as liaisons between the Department, Tribal Governments and other involved third parties to promote government-to-government relationships.
 - Provides information, training and facilitation services related to issues affecting Native American communities.

Chief, Division of Environmental Analysis:

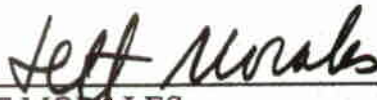
- Oversees the Native American Cultural Studies Branch.
- Develops policies and procedures implementing applicable State and federal environmental and cultural resources laws that affect Native American communities.
- Acknowledges and complies with applicable tribal environmental laws.

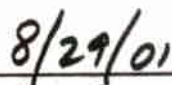
Managers and Supervisors: Ensure that their subordinates are informed of and comply with this policy.

Employees: Ensure that the Department is represented in a knowledgeable, sensitive and respectful manner when engaging in activities that impact Native American communities.

APPLICABILITY

Everyone who works for the Department in any capacity including contractors, consultants and subcontractors.


JEFF MORALES
Director


Date Signed

Division of Transportation Planning Grant Program

Quarterly Progress Report for FTA 5305, Transit Planning (Statewide, Technical Assistance or Professional Development) and FHWA Partnership Planning Grants

FY (e.g. 06/07) Quarter (e.g. 2nd-Oct., Nov., Dec.)

OWP Work Element Number _____

District:

District Grant Manager: (name/phone)

Project Title:

Grant Applicant:

Grant Program: (e.g. 5305 Technical Assistance or Partnership Planning)

Project End Date:

Date Funds expire:

	Grant Funds	Total Local Match Cash / In-kind		Estimated % of Project Completed to Date	% of Total Amount Expended to Date
Total Authorized					
Funds Expended to Date				%	%
Balance Available					

1. Project status/general comments for the quarter (progress, problems encountered, products completed etc.)
2. Have any Scope of Work changes been made this quarter?
3. Has the Project end date been changed this quarter?

Quarterly Report Prepared By:

Date:

**CALTRANS TRANSPORTATION PLANNING GRANT PROGRAM
CLOSE- OUT REPORT**

**FOR FTA 5305 TRANSIT PLANNING AND FHWA PARTNERSHIP PLANNING
GRANTS**

Type of Grant Program: 5305 Transit Planning Partnership Planning
(Circle one grant program) Statewide or Technical or Prof. Development

Grant Applicant: _____

Project

Title: _____

OWP Work Element Number: _____

Date applicant completed final work product: _____

Quarter and FY of final grant specific quarterly progress report: _____

Date Final work product was received in District: _____

Date District sent final documents to HQ: _____

Amount of Federal grant funds awarded: _____

Amount of unspent grant funds at project completion: _____

I hereby attest that the project named above is complete and that the Work Element number assigned to this project in the Overall Work Program has been retired for the current Fiscal Year.

District Grant Manager signature

Date

**PLEASE FORWARD THIS FORM ALONG WITH THE FINAL QUARTERLY REPORT AND
WORK PRODUCT TO YOUR ORIP GRANT SPECIALIST**